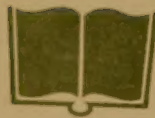


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UNAPPROVED DRAFT

5 MAY 1982

The Police Commission met in their chambers, Room 551, on Wednesday, May 5, 1982.

PRESENT: Commissioners Daly, Toler, Sanchez

ABSENT: Commissioners Nelder, Murphy

Commissioner Sanchez presided.

HEARING OF POLICE OFFICER JODY J. MOROSCHOK, SUPPORT SERVICES BUREAU-PHOTO LAB SECTION

Mr. Stephen Bruce Bley, attorney for Police Officer Jody J. Moroschok, appeared and the item has been carried on the agenda. He and his client is waiting for the sentencing proceedings and he asked that the matter be continued.

He said he felt the date should be set for June 16, 1982, at that time.

RESOLUTION NO. 398-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER JODY J. MOROSCHOK, SUPPORT SERVICES BUREAU-PHOTO LAB SECTION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Jody J. Moroschok, Support Services Bureau, Photo Lab Section, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer Jody J. Moroschok, that the date for the setting of the hearing before the Police Commission be set for June 16, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Jody J. Moroschok, is set for Wednesday, June 16, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Sanchez

ABSENT: Commissioners Nelder, Murphy

approved

May 5, 1982

Meeting minutes

had no changes

from Unapproved

Draft previously

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UNAPPROVED DRAFT

5 MAY 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 5, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Toler, Sanchez

DOCUMENTS DEPT.

ABSENT: Commissioners Nelder, Murphy

MAY 14 1982

Commissioner Sanchez presiding.

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HEARING OF POLICE OFFICER JODY J. MOROSCHOK, SUPPORT SERVICES BUREAU-
PHOTO LAB SECTION

Mr. Stephen Bruce Bley, attorney for Officer Moroschok, said this item has been carried on the Commission Calendar from month to month and he and his client is waiting until approximately the 20th of May for sentencing proceedings and with the Commission's permission, he would ask that the matter be continued to the 16th of June for setting.

He said he felt the officer's criminal matter will be concluded at that time.

RESOLUTION NO. 398-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER JODY J. MOROSCHOK, SUPPORT
SERVICES BUREAU-PHOTO LAB SECTION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Jody J. Moroschok, Support Services Bureau, Photo Lab Section, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer Jody J. Moroschok, that the date for the setting of the hearing before the Police Commission be set for June 16, 1982; therefore be it

RESOVLED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Jody J. Moroschok, is set for Wednesday, June 16, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Sanchez

ABSENT: Commissioners Nelder, Murphy

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HEARING OF POLICE OFFICER DARYL P. WILLIAMS, MUNI TRANSIT POLICE
DIVISION

Mr. Bley, also the attorney for Officer Williams, said this is a similar matter and he would also ask that this be set for the 16th of June for setting. He said he believed that the diversion period rendered his client would be concluded at that time.

Mr. Jerry Akins said he would ask that the record reflect that both Officers Williams and Moroschok submit a request for a Leave of Absence through the 16th of June in the event their current leaves expire before they get a new one, and that the Commission has the authority and all waiving the any rights that accrue to them that we have to if that were not transpired.

RESOLUTION NO. 399-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER DARYL P. WILLIAMS,
MUNI TRANSIT POLICE DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Daryl P. Williams, Muni Transit Police Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer Daryl P. Williams, that the date for the setting of the hearing before the Police Commission be set for June 16, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Daryl P. Williams, is set for Wednesday, June 16, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Sanchez

ABSENT: Commissioners Nelder, Murphy

HEARING OF POLICE OFFICER FRANCIS MURPHY, POTRERO POLICE STATION

Mr. Bley said due to circumstances beyond both councils control, witnesses have come to light which were not known to Mr. Akins and, neither to himself, and it would be almost impossible for them to proceed tonight.

He said based upon this set of circumstances, he would ask that it be continued for one week for re-setting.

RESOLUTION NO. 400-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER FRANCIS MURPHY,
POTRERO POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Francis Murphy, Potrero Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer Francis Murphy, that the date for the setting of the hearing before the Police Commission be set for May 12, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Francis Murphy, is set for Wednesday, May 12, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Sanchez

ABSENT: Commissioners Nelder, Murphy

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Sanchez said this item would be continued to next week's meeting as Commissioner Murphy, who chaired the Awards Meeting of April 30th, is not present but will be present at next week's meeting.

The matter was then continued to May 12th.

HEARING OF RECRUIT OFFICER MICHAEL SEARS, POLICE GARAGE

The hearing of Recruit Officer Michael Sears, Police Garage, was called, it having been set for this date. Recruit Officer Michael Sears, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Copying assignments from another. (Violation of Section VII, Rule 24 of the Recruits' Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to truthfully and without evasion answer questions propounded. (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Recruit Officer Michael Sears, appeared in person and was represented by Mr. Joe R. McCray, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

Opening statements were made by both the Prosecuting and Defense Attorneys.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Police Officer Barbara Jackson
Police Academy

Police Officer Steven Lurati
Mission Station

Police Officer John Meek
Police Academy

Sergeant Michael Hebel
Police Academy

Police Officer Henry Kirk
Police Academy

The following Exhibits were entered into evidence by the Prosecution:

Exhibit A - Two-part document
Problem 25.

Exhibit B - Problem 28A

The following-named witnesses appeared for the Defense, were sworn and testified:

Police Officer Frank Machi
Police Academy

Police Officer Gary Fegundes
Mission Station

Recruit Officer Michael Sears
Police Garage

The following Exhibits were entered into evidence by the Defense:

Exhibit 1 - Booklet with gray cover containing numerous grading grids and reports.

Exhibit 2 - Problem 25 - 792537025.

Exhibit 3 - Compilation of reports of Michael Sears.

Exhibit 4 - Pre-final #1 Grading Grid - 8000000001.

Exhibit 5 - Pre-final #2 Grading Grid - 8000000002.

Exhibit 6 - Recruit Report Writing Manual.

Exhibit 7 - "Transcript & Cassette tape of Sears & Lurati interviews of 11/13/81."

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 401-82

DECISION - HEARING OF RECRUIT OFFICER MICHAEL SEARS, POLICE GARAGE

WHEREAS, on January 12, 1982, Cornelius P. Murphy, Chief of Police, made and served charges against Recruit Officer Michael Sears, as follows:

SPECIFICATION NO. 1

- a) At all times mentioned herein, Recruit Officer Michael Sears, was a member of the 146th Recruit Class, on his probationary period of employment assigned to the Police Academy;
- b) As a member of the 146th Recruit Class, Recruit Officer Sears acknowledged having read, and having explained to him the abridged Rules and Procedures of the San Francisco Police Department and the Recruit School Operations Manual, Rules and Procedures;
- c) As a Recruit Officer, Michael Sears was given numerous report writing assignments by members of the Police Academy Staff;
- d) Many of the written assignments submitted by Recruit Officer Sears were almost identical with the grading grids;
- e) On November 6, 1981, Recruit Officer Sears and other members of his squad were assigned report No. 28A to be written at home and submitted on November 9, 1981;

- f) Prior to assigning report No. 28A to Recruit Officer Sears and other members of his squad, alterations were made by Police Academy personnel so that report No. 28A as assigned was different from the previous grading-grids given to prior classes and squads in Recruit Sears' class;
- g) When assignment 28A was submitted by Recruit Officer Sears and other members of his squad, only Recruit Officer Dears' report matched the prior grading-grid, given to prior classes and other squads in his class;
- *h) The conduct of Recruit Officer Sears in falsifying an assignment from a grading-grid constitutes a violation of Section VII, Rule 24 of the Recruits' Rules and Procedures of the San Francisco Police Department which states:

VII; Rule 24. "All recruits shall have the responsibility of performing their duties and assignments on time and to the best of their abilities. Failure to turn in assignments and/or turning in prescribed assignments late or in an incomplete manner is a serious violation of recruit rules. Unless otherwise directed, assignments are to be completed by the recruit himself; the copying of assignments from another is prohibited."

SPECIFICATION NO. 2

- a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 is hereby incorporated by reference as though each were fully set forth herein;
- b) On November 13, 1981, Recruit Officer Michael Sears was interviewed by Lieutenant Ronald Jackson, Star No. 1774, and Sergeant Michael Hebel, Star No. 1898;
- ~~eleted~~ -c) During the interview, Recruit Officer Sears denied ever having in his possession or having seen a grading-grid for report writing assignment No. 28A;
- d) During the interview, Recruit Officer Sears stated that he obtained the report writing assignment No. 28A from a box outside of Academy Classroom 11 on November 6, 1981;

*The Commission, during deliberations, amended the section by changing the word "copying" to "fasifying."

**Deleted by Commission during deliberations.

- e) In the course of an interview on November 13, 1981, Recruit Officer Steven Lurati, Star No. 1139, stated that he was given copies of report writing assignment No. 28A to distribute to his squad and that he did so distribute said assignment inside

the classroom to all members of his squad which included Recruit Officer Sears.

- f) The conduct of Recruit Officer Sears in failing to answer truthfully and without evasion questions propounded constitutes a violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department which states that a member:

2.49 "Shall, when called upon by a superior officer, or by one specially assigned by lawful authority to conduct an investigation involving police matters, or any matter affecting the conduct of a member or members, truthfully answer all questions propounded. All reports, statements and declarations made orally, or in writing in the foregoing matters shall contain the truth without evasion."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 5, 1982, and on Wednesday, May 5, 1982 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Recruit Officer Michael Sears as contained in Specification No. 1, Section VII, Rule 24 of the Recruits' Rules and Procedures of the San Francisco Police Department, and Specification No. 2, Section 2.49 of the Rules and Procedures of the San Francisco Police Department are sustained by the evidence presented at the hearing; and

WHEREAS, the Police Commission has decided to continue the matter to May 19, 1982, at 5:00 p.m., wherein a decision will be rendered as to the penalty to be imposed upon Recruit Officer Michael Sears; therefore be it

RESOLVED, that the hearing on the penalty to be issued to Recruit Officer Michael Sears, will, be, and the same, continued to Wednesday, May 19, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

Recesses taken during the hearing of
Recruit Officer Michael Sears:

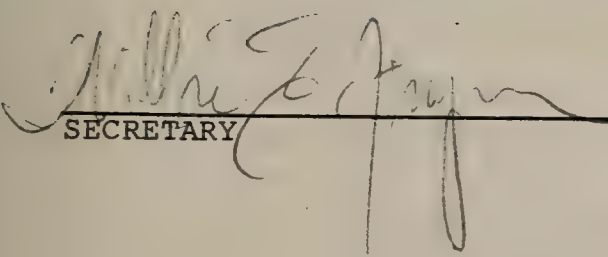
1915 hours to 1930 hours.
2120 hours to 2125 hours.
2244 hours to 2324 hours.
2330 hours to 2353 hours.

AYES: Commissioners Daly, Toler, Sanchez

ABSENT: Commissioners Nelder, Murphy

(The entire proceedings were taken in shorthand form
by Hearing Reporter Linda S. Pransky, C.S.R.)

The Commission then adjourned its meeting at 12:00 P.M.



SECRETARY

12 MAY 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 12, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

DOCUMENTS DEPT.

Commissioner Sanchez presiding.

JUL - 7 1982

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The Commissioners, having received, amended and returned copies of the minutes of the meeting of April 7, 1982, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendation of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1825 POST STREET - NATIONAL BRAEMAR, INC.

- a) At 1825 Post Street, install a 44' blue zone, extending from meter #1807, 44' west of same.
- b) Remove meters #1807 & #1809.

2275 MARKET STREET - CASTRO VILLAGE MALL

- a) At 2275 Market Street, install a 22' white zone, extending from 11' to 32' west of the east property line.
- b) Remove meter MKT 2294.

3175-21st STREET - TIEMPO LATINO

- a) At 3175-21st Street, install a 30' yellow zone, extending from east property line.
- b) Remove meter #3141.

1915 MC ALLISTER STREET - PENTECOSTAL TEMPLE
CHURCH OF GOD & CHRIST

- a) At 1915 McAllister Street, revoke existing 42' yellow zone, extending from east property line 42' west of same.
- b) Also revoke existing 20' green zone, extending from 70' to 90' west of Lyon Street. This zone does not exist, remove from file only.
- c) Replace with 42' white zone, extending from east property line 42' west of same.

130 POPE STREET - POPE STREET GROCERY - DENIED

- a) At 130 Pope Street, install a 22' green zone, extending from east property line 22' west of same. DENIED.

1300 SACRAMENTO STREET - S.F.P.D. - REVOKED

- a) At 1300 Sacramento Street, revoke existing 18' white zone, extending from 6' to 24' east of west building line.

1388 CALIFORNIA STREET - HOTEL CABLE CAR - REVOKED

- a) At 1388 California Street, revoke existing 27' white zone, extending 27' west of the east line.

360-9th AVENUE - S.F.P.D. - REVOKED

- a) At 360-9th Avenue, revoke existing 66' white zone, extending from 8' to 74' north of south line.

1900 HAYES STREET - S.F.P.D. - REVOKED

- a) At 1900 Hayes Street, revoke existing 40' yellow zone, extending from 28' to 68' west of Ashbury Street.

1900 HAYES STREET - S.F.P.D. - REVOKED

- a) At 1900 Hayes Street, revoke existing 20' green zone, extending from 8' to 28' west of Ashbury Street.

1920 HAYES STREET - S.F.P.D. - REVOKED

- a) At 1920 Hayes Street, revoke existing 24' green zone, extending 24' east of the west building line.

1335 CLAY STREET - APARTMENT HOUSE - REVOKED

- a) At 1335 Clay Street, revoke existing 27' yellow zone, extending 27' east from the west line.

2100 FILBERT STREET - S.F.P.D. - REVOKED

- a) At 2100 Filbert Street, revoke existing 18' green zone, extending from 9' to 27' west of Webster Street.

3001 WEBSTER STREET - S.F.P.D. - REVOKED

- a) At 3001 Webster Street, revoke existing 22' yellow zone, extending from south property line 22' north of same.

400 IRVING STREET - S.F.P.D. - REVOKED

- a) At 400 Irving Street, revoke existing 60' green zone, extending from 18' to 78' west of 5th Avenue.

401 IRVING STREET - S.F.P.D. - REVOKED

- a) At 401 Irving Street, revoke existing 24' red zone, leave clearance. (Bus stop no longer used.)

3300 CALIFORNIA STREET - S.F.P.D. - REVOKED

- a) At 3300 California Street, revoke existing 80' red bus zone, south side of California Street across of Walnut.

3100 STEINER STREET - S.F.P.D. - REVOKED

- a) At 3100 Steiner Street, revoke existing 30' red bus zone, southeast corner of Steiner Street across of Greenwich.

1295 ALABAMA STREET LA NACIONAL MARKET - REVOKED

- a) At 1295 Alabama Street, revoke existing 22' green zone, extending from 3' to 25' north of 25th Street.

2300 GREENWICH STREET - S.F.P.D. - REVOKED

- a) At 2300 Greenwich Street, revoke existing 26' red bus zone, southwest corner across of Steiner Street.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 566 feet of green, yellow, white and red zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 402-82

CARL L. JACKSON

RESOLVED, that the recommendation of the

City Attorney for settlement of the litigation of Carl L. Jackson in the sum of \$750.00 in Superior Court Action No. 707-095 entitled "Carl Jackson vs. City and County of San Francisco,, as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 27, 1975

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 403-82

APUELI SATELE, ESEESE SATELE,
AND TAPUMANAI A SATELE, A MINOR

RESOLVED, that the recommendaqtion of the City Attorney for settlement of litigation of Paueli Satele, Eseeese Satele, and Tapumanaia Satele, a minor, by his G.A.L., Eseeese Satele, in the sum of \$6,500.00 in Superior Court Action No. 770-609, entitled, "Satele v. City and County of San Francisco, et al.," as the result of damages sustained , be, and the same is hereby approved.

Date of Incident: January 6, 1980

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 404-82

ROLAND ROBBS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Roland Robbs in the sum of \$5,000.00 in Superior Court Action No. 761-355, entitled, "Roland Robbs vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 30, 1979

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 405-82

LUCILLE SHERIDAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Lucille Sheridan in the sum of \$2,600.00 in Superior Court Action No. 777-216 entitled, "Lucille Sheridan vs. City and County of San Francisco, Callo Sales Company, Inc., et al.," as the result of damages sustained, be, and the same is hereby approved

Date of Incident: November 11, 1980

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 406-82

REYNALDO BORRAMEO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Reynaldo Borrromeo against the City and County of San Francisco in the sum of \$217.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 27, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 407-82

HIDETOSHI SUEISHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hidetoshi Sueishi against the City and County of San Francisco in the sum of \$181.80 as the result of damages sustained, be, and the same

is hereby approved.

Date of Incident: March 30, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 408-82

VELMON JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Velmon Jones against the City and County of San Francisco in the sum of \$800.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 24, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 409-82

DAVID W. KENNEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David W. Kenney against the City and County of San Francisco in the sum of \$300.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 21, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 410-82

BARRY WAYNE CANNON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of

Barry Wayne Cannon against the City and County of San Francisco in the sum of \$459.93 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 10, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 411-82

MARC KLASS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marc Klass against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 412-82

STANLEY MUI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stanley Mui against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 413-82

OSCAR E. FUENTES

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of Oscar E. Fuentes against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 27, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 414-82

GUIU FURST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Guiu Furst against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 27, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 415-82

POWELL TOWING SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Powell Towing Service against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUITON NO. 416-82

SALLY B. BUSWELL

RESOLVED, that the recommendation of the

City Attorney for settlement of Small Claims Court Action No. 397-223 against the City and County of San Francisco in the sum of \$46.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 10, 1982

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 417-82

POLICE CONTINGENT FUND - APPROVED

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Cornelius P. Murphy in the amount of \$4,200.00 charging same to Index Code 580217 as an advance on the Police Contingent Fund for the month of May, 1982.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 418-82

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sergeant Kenneth David) \$500.00	(Defensive Tactics
Field Operations Bureau-		(Instructors Course,
FTO Program)	(Stockton, California,
		(April 16, 1982 to
		(April 18, 1982.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 419-82

AUTHORIZING ATTENDANCE OF THIRTEEN (13) ADMINISTRATIVE STAFF MEMBERS OF THE TRAFFIC BUREAU AT A P.O.S.T. TEAM BUILDING WORKSHOP IN SANTA CRUZ, CALIFORNIA, FROM JUNE 2, 1982 TO JUNE 4, 1982.

RESOLVED, that the recommendation of the Chief of Police that thirteen (13) Administrative Staff Members of the Traffic Bureau be detailed to attend a P.O.S.T. Team Building Workshop in Santa Cruz, California, from June 2, 1982 to June 4, 1982, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the thirteen (13) Administrative Staff Members will not exceed \$4,330.00 and are reimbursable by P.O.S.T.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

POLICE COMMISSION REPORT

Commissioner Sanchez said the Commission did meet in Executive Session this evening pertaining to Attoreny/Client Conference and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no report tonight but would respond to any questions the Commissioners may have.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Murphy said she presided at this particular meeting of the Awards Committee and it was very interesting. She said there was almost a 100 percent attendance by the Department's Captains.

She said they granted 4 Silver Medals and the remaining awards were all Bronze Medals except for two awards for Meritorious Conduct.

She said it was a very varied group of applications because the officers had done some great police work. She said she usually tried to upgrade an award if it misses reaching a higher award by one vote, but none of these scored in that category, as there was a real consensus in the voting.

She said she would move that the awards be approved as submitted.

Commissioner Nelder seconded, and it was unanimously approved.

The date to present the awards was recommended for May 26th, which was so moved and unanimously approved.

RESOLUTION NO. 420-82

RECOMMENDATIONS OF THE AWARDS COMMITTEE - APPROVED

RESOLVED, that the following-named members of the Police Department be, and they are hereby granted Awards of Valor - Silver Medal, Bronze Medal, Meritorious Conduct, under the provisions of Sections 5.119 and 5.120 of the Rules and Procedures of the San Francisco Police Department, as approved by the Awards Committee on Friday, April 30, 1982:

Sergeant Rene C. LaPrevotte...Silver Medal of Valor
Officer Craig S. Piro.....Silver Medal of Valor
Officer Jerry C. Donovan.....Silver Medal of Valor
Officer Wayne J. Smith.....Silver Medal of Valor
Assistant Inspector Carl
F. Peters.....Bronze Medal of Valor
Inspector John E. Willett.....Bronze Medal of Valor
Officer James L. Batchelor....Bronze Medal of Valor
Officer Richard K. Benjamin...Bronze Medal of Valor
Officer Vincent T. Cantillon..Bronze Medal of Valor

Officer William J. Cooke.....Bronze Medal of Valor
Officer Brian M. D'Arcy.....Bronze Medal of Valor
Officer Robert J. DelTorre...Bronze Medal of Valor
Officer Robert D. Fredianni...Bronze Medal of Valor
Officer William M. Garcia....Bronze Medal of Valor
Officer Kevin M. Gotchet.....Bronze Medal of Valor
Officer Jay P. Holle.....Bronze Medal of Valor
Officer Daniel J. May.....Bronze Medal of Valor
Officer Daniel A. McDonagh...Bronze Medal of Valor
Officer Randolph M.
 Radosevich.....Bronze Medal of Valor
Officer Donald R. Read.....Bronze Medal of Valor
Officer Donald T. Ross.....Bronze Medal of Valor
Officer Alex T. Williams.....Bronze Medal of Valor
Officer Jere M. Williams.....Bronze Medal of Valor
Officer Barry J. Wolf.....Bronze Medal of Valor
Officer John V. Wyman.....Bronze Medal of Valor
Officer Daniel A. McDonagh...Meritorious Conduct
 Award
Officer Jere M. Williams.....Meritorious Conduct
 Award

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 421-82

REWARDS GRANTED TO MEMBERS OF THE POLICE
DEPARTMENT

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Sections 5.119 and 5.120 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission on Wednesday, May 12, 1982; and

WHEREAS, Chief of Police Cornelius P. Murphy has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the City and County of San Francisco; therefore be it

RESOLVED, that Sergeant Rene C. La-Prevotte, Police Officer Craig S. Piro, Police Officer Jerry C. Donovan and Police Officer Wayne J. Smith, be, and they are hereby awarded Silver Medals of Valor and granted a reward of \$100.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Assistant Inspector Carl F. Peters, Inspector John E. Willett, Officer James L. Batchelor, Officer Richard K. Benjamin, Officer Vincent T. Cantillon, Officer William J. Cooke, Officer Brian M. D'Arcy, Officer Robert J. Del Torre, Officer Robert D. Fredianni, Officer William M. Garcia, Officer Kevin M. Gotchet, Officer Jay P. Holle, Officer Daniel J. May, Officer Daniel A. McDonagh, Officer Randolph M. Radosevich, Officer Donald R. Read, Officer Donald T. Ross, Officer Alex T. Williams, Officer Jere M. Williams, Officer Barry J. Wolf, Officer John V. Wyman, be, and they are hereby awarded Bronze Medals of Valor, and granted a reward of \$50.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Officer Daniel A. McDonagh and Officer Jere M. Williams, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of \$50.00 each, as provided for under said section of the Charter.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

REQUEST OF THE CHIEF OF POLICE FOR PERMISSION TO ACCEPT ON BEHALF OF THE POLICE DEPARTMENT A GIFT OF A HORSE FROM MR. NICHOLAS GONZALES, VALUED AT APPROXIMATELY \$1,500.00 FOR USE BY THE MOUNTED UNIT.

Chief Murphy said this item along with item #8 is a standard request to accept the donation of two horses for the Department. He said this will bring the total amount of horses up to 30. He said two horses are retiring and this will

maintain the number of the Department's horses at 30.

Commissioner Nelder moved approval, Commissioner Murphy seconded, and it was unanimously approved.

RESOLUTION NO. 422-82

AUTHORIZING ACCEPTANCE ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT THE GIFT OF A HORSE, VALUED AT \$1,500.00 FOR USE BY THE MOUNTED UNIT, FROM MR. NICHOLAS GONZALEZ

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept on behalf of the City and County of San Francisco the gift of a horse, valued at approximately One Thousand Five Hundred (\$1,500.00) Dollars, for use by the San Francisco Police Department Mounted Unit.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 423-82

AUTHORIZING ACCEPTANCE ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT THE GIFT OF A HORSE, VALUED AT \$2,000.00 FOR USE BY THE MOUNTED UNIT FROM MS. SALLY TAYLOR

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept on behalf of the City and County of San Francisco, the gift of a horse and necessary outfitting equipment, valued at approximately Two Thousand (\$2,000.00) Dollars, for use by the San Francisco Police Department's Mounted Unit.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RECEIPT OF DEPARTMENT GENERAL ORDER REGARDING
DISCIPLINE PROCESS. (COPIES SENT TO EMPLOYEE
ORGANIZATIONS.) - CONTINUED FOR FOUR (4) WEEKS.

Deputy Chief Shannon said this is another order the Department is moving out of the Rule Book into the General Order Process and because he will be going to the Crowd Training School with all of the Command Staff between the 19th and 28th, he would request for a Meet and Confer. With that amount of time there would be enough time for Meeting and Conferring, if so requested.

It was then scheduled for public hearing four weeks hence.

RECEIPT OF DEPARTMENT GENERAL ORDER F-2, EMER-
GENCY OPERATION OF POLICE VEHICLES (REVISED).
(COPIES SENT TO EMPLOYEE ORGANIZATIONS). - CON-
TINUED FOR FOUR (4) WEEKS.

Deputy Chief Shannon said there is already a request for a Meet and Confer Session on this order and he would also request that it be set four (4) weeks hence.

PUBLIC HEARING RELATIVE TO PROPOSED GENERAL
ORDER P-7, REGARDING COUNSELING OF MEMBERS BY
COMMANDING OFFICERS. (CONTINUED FROM THE MEET-
ING OF APRIL 28, 1982.) - CONTINUED FOR FOUR (4)
WEEKS.

AND

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL
ORDER REGARDING INTERNAL AFFAIRS PROCEDURES.
(CONTINUED FROM THE MEETING OF APRIL 28, 1982)-
CONTINUED FOR FOUR (4) WEEKS.

Deputy Chief Shannon said this item and #12 could be handled together because they both deal with Internal Affairs. He said he has met with the Police Officers' Association representatives once on it and they have resolved some of the problems and they are going to meet again, but here again, they are running into a conflict of times to meet and he would also request that it be re-scheduled for four (4) weeks hence.

RESOLUTION NO. 424-82

POLICE OFFICER FRANCIS J. MURPHY, POTRERO
POLICE STATION - AMENDED

WHEREAS, amended charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Francis J. Murphy, Potrero Police Station, as follows:

SPECIFICATION NO. 5

Failure to prevent crime. (Violation of Section A-2 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 6

Failure to prevent crime. (Violation of Section A-2 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 7

Failure to maintain himself in a fit condition to perform police duties. (Violation of Section A-3 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 8

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department. (Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police

Officer Francis J. Murphy, Potrero Police Station, is set for Wednesday, June 23, 1982 at 4:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 425-82

POLICE OFFICER TEDDY M. QUERUBIN, PARK POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Teddy M. Querubin, Park Police Station, as follows:

SPECIFICATION NO. 1

Failure to comply with department weight standards. (Violation of Section II, Subsection 1-A of General Order B-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to obey the lawful order of a superior. (Violation of Section A-11 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Teddy M. Querubin, Park Police Station, is set for Wednesday, May 19, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Murphy, Sanchez

ABSENT: Commissioners Daly, Toler

PUBLIC HEARING OF SPECK CAB COMPANY'S RESPONSE
TO THE PETITION OF THE VETERANS TAXICAB COMPANY
AS TO ALLEGED VIOLATIONS OF PROPOSITION K.
(CONTINUED FROM THE MEETING OF APRIL 28, 1982) -
CONTINUED TO MAY 26, 1982.

Mr. Wayne Canterbury for Veterans Taxi Cab Company, and Mr. Francis Scarpulla, appearing on behalf of the Speck Cab Company, came forward and addressed the Commission.

Commissioner Sanchez: "Gentlemen, where are we?"

Mr. Canterbury: "It is a tough ship to bring into port. We were here two weeks ago and we thought we had an agreement, within three days after the last hearing, Veterans put into the hands of Speck's lawyers a proposed written agreement. Some time passed before the Scarpulla Office advised us that that was generally acceptable but there were some points to be smoothed out. They, in turn, sent back a draft of the agreement to us and Mrs. Peterson signed that on Monday, and we delivered it back to the Scarpulla Office advising that we wanted the Speck signature on it and delivered to us by five o'clock today. That hasn't happened. Instead, on Monday, the Scarpulla Office insisted on two more documents to be signed by Mrs. Peterson. I personally delivered those to her that night, reconfirmed that we wanted the agreement sewn up by today. As of 3 o'clock this afternoon, Mr. Scarpulla wrote a letter to me advising that the Speck's were in Hawaii, that they had left today, that he had known that for some period of time and he had not advised me.

Veterans doesn't know whether we have a deal or not. There is a third party to the agreement, Mr. Morris. I talked to his council today and he wasn't even aware that the contract had been prepared by the Scarpulla Office although I understand that Mr. Scarpulla sent him a copy of that today."

Mr. Scarpulla: "I have a signed document from my clients, that is only awaiting Mr. Morris' signature and today I received from Mr. Canterbury a request to change a paragraph in the already signed agreement and I can't do that without my client verifying the valid figures. I think it is taken care of in the agreement myself. One of the paragraphs in the agreement says that any calculations to be made to satisfy paragraph one (c) or two can be made at a future date.

I think Mr. Canterbury wants to make a

copy of the calculations now and I simply can't do it because I don't know whether the numbers which he is proposing are correct. So, we have an agreement which has been signed by everyone except Morris, and I understand Mr. Morris is going to execute the agreement when he gets it tomorrow and then I think we will have a binding agreement. I don't have one signed by all of the parties now, but I understand they will be signed."

Commissioner Sánchez: "Well gentlemen, let's put it in perspective again. This has been on calendar. I know we have spent a great number of hours on this. The full Commission has an interest in this. Two of our colleagues are not here today. We had said, in essence, this was the final cut. However, I know that there are two of our colleagues whom I know would have some comments, or questions, if this were going for a vote this evening. Let me just say this, if this Commission wishes we could calendar this for our next administrative meeting, which is the 26th of May, and as far as I am concerned as the Chair of this Commission if there is a motion, if there is not agreement at that point, if there is a motion to rescind the permits and a second, I think the vote would be taken there.

This has gone on and on and we have bent over backwards to insure the highest degree of objectivity to make sure that both sides could resolve it in the best interest of whatever, and we have many, many other things to do, and we have a waiting list of people who are applying for Cab Permits, and either we resolve this or else we will pull them in and will proceed accordingly.

As far as I am concerned, you have reached the point of diminishing returns and I think this Commission has more than met both you and your clients half way and I am not about to carry this over past the 26th. I think either then we vote or call it in or do whatever, that is up to the individual Commissioners. So I would request that, basically, we calendar this for the 26th if there is a second?"

Commissioner Nelder: "I think it is well said, and you said exactly what Commissioner Murphy or I would have said, so I am going to move that this matter be heard on the 26th, and I think it's only fair that you recognize that we have a heavy calendar each week and we simply can't carry this any longer."

Commissioner Murphy: "I would second that motion."

Mr. Scarpulla: "We have signed the agreement."

Commissioner Murphy: "I know you have."

Mr. Scarpulla: "I am just waiting for Morris to sign the agreement."

Commissioner Nelder: "I think it is up to you folks to get together as Commissioner Sanchez pointed out."

Commissioner Murphy: "When will the Specks be back from Hawaii?"

Mr. Canterbury: "Two weeks."

Mr. Scarpulla: "They will be back in two weeks but they have already signed off."

Commissioner Murphy: "Oh, I see, okay."

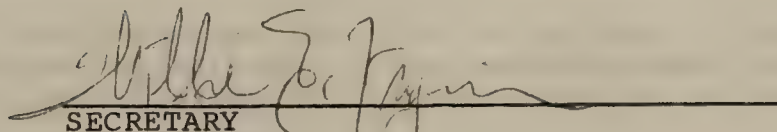
Commissioner Sanchez: "Again, there is a motion to calendar this for the 26th. Commissioner Murphy has seconded it and this, the materials, it was our understanding last week, that this would be given for review by the City Attorney's Office who would give his stamp of approval and it would, thereafter, come to the Commission and that's it. If, in fact, that doesn't happen, then the Chair would entertain a vote to pull the permits and let's get on with our Public Convenience and Necessity Hearings."

Mr. Canterbury: "Veterans made every effort to do that."

Commissioner Sanchez: "Okay, all in favor of the motion to calendar it for the 26th say, Aye. (Unanimous). It is hereby set for the 26th."

It was so moved and unanimously approved.

The Commission then adjourned its meeting at 5:35 p.m.



SECRETARY

2
19 MAY 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 19, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

Commissioner Sanchez presiding.

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HEARING OF RECRUIT OFFICER MICHAEL SEARS,
POLICE GARAGE. (CONTINUED FROM THE MEETING
OF MAY 5, 1982.)

Deputy Chief Shannon in addressing the Commission, said that he had a letter from the Chief of Police to the Police Commission on this matter. He said the Chief is currently in San Diego attending a CPO Conference.

He then read the Chief's letter to the Commission for the record.

The letter reads as follows:

"May 14, 1982

Dr. David J. Sanchez, Jr.
President
The Police Commission
850 Bryant Street, Fifth Floor
San Francisco, CA 94103

Dear Dr. Sanchez:

Recommendation Regarding
Recruit Officer Michael Sears

I will be out of town and unable to attend the Police Commission meeting on May 19, 1982, therefore I submit my recommendation regarding Recruit Officer Michael Sears by letter to you as President of the Police Commission.

My recommendation is that Recruit Officer Sears be terminated from the Police Department.

My recommendation is based on my duty to protect the health and welfare of the community and instill public trust in the police department which does not

permit the employment of police officers who succumb to the temptation to take shortcuts while still in the Academy. This illustrates a lack of character and if it is predictive of future ability to resist temptations a police officer meets in carrying out his daily duties, it would portend future serious problems. The Law Enforcement Code of Ethics, which each recruit agrees will govern his behavior in employment with the Police Department, prescribes honesty in his private and official life as well as adherence to the public trust.

Recruit Officer Sears' conduct, as found by the Commission after a full trial, is clearly a breach of the spirit as well as the letter of the rules and regulations of the department. It is necessary to preserve the integrity of the Academy and the entire training procedure employed by the department that conduct of this nature be dealt with in a consistent and forthright manner.

I trust that you and the other members of the Commission will understand the reasons and basis for my decision.

Sincerely,

ar

s/Cornelius P. Murphy
CORNELIUS P. MURPHY
Chief of Police"

Commissioner Sanchez: "At the last hearing the Chief was not here and there was a request for information and also specifically to have and review the findings of the Commission pertaining to that administrative hearing, therefore, the Commission could, upon further deliberations and review of additional matters, including the review of the Chief, could be taken into consideration. There is also a request by Commissioner Toler pertaining to some additional material which had been cited and reviewed and I think in the spirit of the administrative hearing and sense of equity that we will, at this point, recess again to review the recommendation of the Chief along with any other matters that the Commission wishes to discuss pertaining to the penalty that would be generated regarding our findings at the last administrative hearing.

Mr. McCray, if you would like to make any further statement pertaining to the recommendation of the Chief of Police regarding this matter?"

Mr. McCray: "Briefly, there is basically two categories, Mr. Chairman. The first is this with

the amendment of the Specifications, an analysis of your holding in that regard is a finding, that one meaningless report was falsified. On Specification 2 there was a finding but I am not clear as to what it was. The alleged...with the deletion of all the other charges which you come up with is the statement on the tape and in the transcript that Officer Sears did not get his report 28a from Officer, I believe it was Officer Lurati. That is the only false statement he made and if you will recall the testimony was that he had five minutes prior to going into that taped interview if you review the transcript you will realize that at no time was he told when he got 28a so he couldn't place, in time, when he would have gotten it. He got that and, therefore, couldn't reply, and when he took the stand before you he said I don't remember. So I would submit that this is not a falsification. You are not dealing here with any gross breach of moral turpitude or integrity. What you end up, and this is the second statement in this brief, what you end up with here with the termination of this young man and his record which is clean as a whistle, except for this, is his destruction. He can't go some place else and go to work very easily with this on his record. He can stay here with this small breach and prove himself to you, to the Department, and to the City of San Francisco as he did up until this point, understanding, of course, that we are not conceding that the Commission is correct in its findings. I have nothing further."

Commissioner Sanchez: "Thank you. The Commission will now adjourn to review both the recommendations of the Chief and the statement of the council."

RESOLUTION NO. 427-82

DECISION - HEARING OF RECRUIT OFFICER MICHAEL SEARS, POLICE GARAGE

WHEREAS, on Wednesday, May 5, 1982, the Police Commission continued its hearing in the disciplinary matter of Recruit Officer Michael Sears to May 19, 1982, at 5:00 p.m., wherein a decision will be rendered as to the penalty to be imposed upon Recruit Officer Michael Sears; and

WHEREAS, on Wednesday, May 19, 1982, the Police Commission met in regular session and it resumed deliberations to determine the penalty to be assessed to Recruit Officer Michael Sears; and

WHEREAS, the Commission during its deliberations, voted unanimously to terminate the services of Recruit Officer Michael Sears from the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that said termination be, and the same, effective immediately.

Recesses taken during the hearing of Recruit Officer Michael Sears:

1727 hours to 1749 hours.
1943 hours to 1950 hours.

AYES: Commissioners Daly, Toler, Sanchez

(The entire proceedings were taken in shorthand form by Hearing Reporter, Linda S. Pransky, C.S.R.)

Commissioner Sanchez: "Recruit Officer Michael Sears, the Commission has reviewed the recommendation of the Chief of Police pertaining to the administrative hearing and the allegations and findings which we had undertaken and, with sadness, must state that we are unanimously in agreement that we have to accept the Chief's recommendation pertaining to your termination from the San Francisco Police Department and the Academy, however, there is a condition whereby the Commission will grant you an opportunity to re-apply one year hence as an applicant to the police pool, again, of applicants provided that there is no misconduct or anything that would jeopardize that. This would, of course, be upon review by the Chief of Police and this would give you an opportunity to re-apply through the Civil Service Process again after the one year period if, in fact, you feel that law enforcement is the career that you wish to undertake. So the record has been stated and the findings have been given.

Case closed. Thank you."

RESOLUTION NO. 426-82

POLICE OFFICER TEDDY M. QUERUBIN, PARK POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department

were filed against Police Officer Teddy M. Querubin, Park Police Station, as follows:

SPECIFICATION NO. 1

Failure to comply with department weight standards. (Violation of Section II, Subsection 1-A of the General Order B-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to obey the lawful order of a superior. (Violation of Section A-11 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Teddy M. Querubin, Park Police Station, is set for Wednesday, May 26, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

RESOLUTION NO. 429-82

POLICE OFFICER THOMAS R. ARGO, TARAVAL POLICE STATION

WHEREAS, charges of violationg the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Thomas R. Argo, Taraval Police Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department. (Violation of Section A-9 of General Order D-1

of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to be properly attired in the manner prescribed for his assignment. (Violation of Section A-6 of the General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to promptly and politely provide his name. (Violation of Section A-14 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 4

Leaving his assigned duty post without permission. (Violation of Section B-6 of General Order D-1 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 5

Failure to answer truthfully and without evasion questions propounded. (Violation of Section A-21 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Thomas R. Argo, Taraval Police Station, is set for Wednesday, May 26, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

RESOLUTION NO. 430-82

POLICE OFFICER STEVE R. MARQUEZ, TARAVAL
POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Steve R. Marquez, Taraval Police Station, as follows:

SPECIFICATION NO. 1

Failure to be properly attired in the manner prescribed for his assignment. (Violation of Section A-6 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to promptly and politely give his name. (Violation of Section A-14 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 3

Leaving his assigned duty post without permission. (Violation of Section B-6 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 4

Failure to truthfully and without evasion answer questions propounded. (Violation of Section A-21 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 5

Engaging in conduct which reflects discredit upon the department. (Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Steve R. Marquez, Taraval Police Station, is set for Wednesday, May 26, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

RESOLUTION NO. 431-82

POLICE OFFICER BRUCE O. POWELL, TARAVAL POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Bruce O. Powell, Taraval Police Station, as follows:

SPECIFICATION NO. 1

Drinking intoxicating liquor while on duty. (Violation of Section B-1 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to devote his entire on-duty time to his police duties. (Violation of Section A-1 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 3

Leaving his assigned duty post without permission. (Violation of Section B-6 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 4

Engaging in conduct which reflects discredit upon the department. (Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 5

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department.
(Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Bruce O. Powell, Taraval Police Station, is set for Wednesday, May 26, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

Mr. Jerry Akins said he would also request that another item be added to the Calendar for next week and it is a re-setting of the date for hearing of disciplinary charges filed against Officer Francis Murphy.

He said when councils picked a date last week, he had assumed the matter would be heard much earlier and didn't understand the vacation problems that would be encountered by setting the date for June 23rd. He said it has now come to his attention that the Officer's Commanding Officer, Captain Kotta, will be out of the State.

He said he spoke to Mr. Stephen Bley, the officer's council, and he suggested that it be placed on next week's calendar and he would have someone present at next week's meeting to present Officer Murphy's view in that regard.

Commissioner Nelder moved to have this matter calendared on next week's agenda.

Commissioner Murphy seconded and, it was unanimously approved.

CHIEF'S WRITTEN REPORTS (BINDERS ONLY)

(An academic matter to keep the sequence in order in binders for the Commissioner.)

HEARING OF SERGEANT ROBERT DILLON, SUPPORT SERVICES BUREAU - RECORD ROOM.

The hearing of Sergeant Robert Dillon, Support Services Bureau, Record Room, was called, it having been set for this date. Sergeant Robert Dillon was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Drinking intoxicating liquor while on duty and in uniform. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to strictly obey and promptly execute a lawful order by his superior officer. (Violation of Section 2.45 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Sergeant Robert Dillon appeared in person and was represented by Mr. Ephraim Margolin, and Mr. John Braun, Attorneys at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the Police Department.

Opening statements were made by both the Prosecuting and Defense Attorneys.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Deputy Chief James A. Ryan
Field Operations Bureau

Captain John Damon
Night Supervising Captain

Officer John F. Propst
Taraval Police Station

The following Exhibits were entered
into evidence by the Prosecution:

- Exhibit 1 - Two pages - 1 - A handwritten
paragraph of
Special Order No.
81-45.
- 2 - Copy of Department
issued Special Order
No. 81-45.

The following-named witnesses appeared for
the Defense, were sworn and testified:

Mr. Walter Lacey
Santa Rosa, California

Mr. Kenneth Godleski
Oar House - 3629 Taraval Street
San Francisco, California

Police Officer George Grant
Taraval Police Station

Mr. James T. McCormack
Pacific Gas and Electric Company

Inspector James Molinari
Personnel and Training

Sergeant Robert Dillon
Support Services Bureau-Record Room

The following Exhibits were entered into
evidence by the Defense:

- Exhibit A - Letter of May 5, 1982, from Dr.
Barnes regarding prescription
given to Robert Dillon.
- Exhibit B - Prescription vial for Robert Dillon
from Dr. Barnes - 10/30/81.
- Exhibit C - Letter of May 17, 1982 from Dr.
Calanchini regarding Robert Dillon's
gait.

Exhibit D - Records of days Sergeant Dillon worked as Lieutenant at Company I.

Exhibit E - I.A.B. Record of complaints filed against Sergeant Dillon.

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, and then recessed from 2130 hours to 2146 hours, after which the following resolution was adopted:

RESOLUTION NO. 428-82

DECISION - HEARING OF SERGEANT ROBERT DILLON,
SUPPORT SERVICES BUREAU-RECORD ROOM

WHEREAS, on November 13, 1981, Cornelius P. Murphy, Chief of Police, made and served charges against Sergeant Robert Dillon, as follows:

SPECIFICATION NO. 1

- a) At all times mentioned herein, Robert Dillon was a police officer employed by the San Francisco Police Department;
- b) At all times mentioned herein, Sergeant Robert Dillon was on duty and assigned to Company "I", Taraval Station;
- c) As a Police Sergeant, Robert Dillon was and is responsible for knowing and obeying the Rules and Procedures of the San Francisco Police Department;
- d) On or about October 31, 1981, at approximately 1300 hours, Deputy Chief James A. Ryan, accompanied by Captain John Damon, had occasion to go to Co. "I", Taraval Station, on Police Department business;
- e) That while on the premises of Taraval Station, the above-mentioned officers observed and talked with Sergeant Robert Dillon;

- f) At the above time and place, Deputy Chief Ryan and Captain Damon observed the physical movement and conversation of Sergeant Dillon;
- g) Deputy Chief Ryan noted that Sgt. Dillon walked with a rigid gait, and made comments which were inappropriate during their conversation;
- h) Deputy Chief Ryan inquired of Sergeant Dillon as to where he had been prior to his arrival at the Station at approximately 1325 hours;
- i) Sgt. Dillon admitted that he had stopped at two cocktail lounge/bars located in the Taraval District, while on duty and prior to his arrival at the station at 1325 hours;
- j) Sgt. Dillon at the above stated time, was acting platoon commander at Taraval Station;
- k) Sgt. Dillon denied that he had been drinking an intoxicating liquor while on duty;
- l) During a subsequent investigation, Deputy Chief Ryan detected a slight odor of alcohol about the person of Sgt. Dillon;
- m) Based upon the above observations and investigation, Deputy Chief Ryan concluded that Sgt. Robert Dillon had been drinking intoxicating liquor while on duty and in uniform;
- n) Deputy Chief Ryan, at the above time and place, relieved Sgt. Robert Dillon from duty at approximately 1422 hours;
- o) The conduct of Sgt. Robert Dillon in drinking intoxicating liquor while on duty and in uniform constitutes a violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department which states that a member:

2.125 "Shall not, while on duty or in uniform, drink any kind of intoxicating liquor or whether on or off duty be under the influence of intoxicating liquor to such an extent that he will not always be prepared to exercise police powers and be entrusted with the performance of police duty in a calm, deliberate and efficient manner."

SPECIFICATION NO. 2

- a) Each and every allegation contained in paragraphs (a) through (n) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- b) After the aforementioned investigation and observation, and prior to relieving him from duty, Deputy Chief Ryan gave a direct order to Sgt. Dillon that he was to submit (take) a breathalyzer test to establish conclusively that Sgt. Dillon had not been drinking an intoxicating liquor;
- c) At all times mentioned above, Deputy Chief Ryan was in command of Field Operations and the superior officer of Sgt. Dillon;
- d) That Sgt. Dillon refused the direct order by Deputy Chief Ryan to submit (take) the breathalyzer test;
- e) The conduct of Sgt. Dillon, in refusing to submit to (take), the breathalyzer test as ordered by a superior officer, constitutes a violation of Section 2.45 of the Rules and Procedures of the San Francisco Police Department which states that a member:

2.45 "Shall strictly obey and promptly execute the lawful orders of his superior officer. In case of conflict of orders from superior officers, he shall respectfully call attention of the superior officer giving the last order to such conflict, should the latter not change his order it shall be obeyed and the member shall not be held responsible for disobedience of any former order in obeying said last order."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 19, 1982, and that on Wednesday, May 19, 1982, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Sergeant Robert Dillon, Support Services Bureau, Record Room, as contained in Specification No. 1, violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department are not sustained by the evidence presented at the hearing; and

WHEREAS, the Police Commission finds that the said charges made and filed against Sergeant Robert Dillon, Support Services Bureau, Record Room, as contained in Specification No. 2, violation of Section 2.45 of the Rules and Procedures of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Sergeant Robert Dillon has not violated Specification No. 1, Section 2.125 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that Sergeant Robert Dillon has violated Specification No. 2, Section 2.45 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation Sergeant Robert Dillon, shall be, and the same hereby admonished.

Recesses taken during the hearing of Sergeant Robert Dillon:

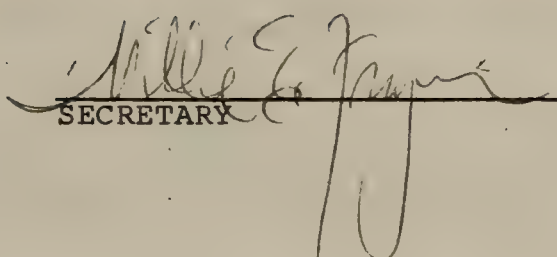
2230 hours to 2246 hours.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

(The entire proceedings were taken
in shorthand form by Hearing Reporter
Linda S. Pransky, C.S.R.)

The Commission then adjourned its
meeting at 10:50 p.m.



SECRETARY

26 MAY 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 26, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

DOCUMENTS DEPT.

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SAN FRANCISCO
PUBLIC LIBRARY

RESOLUTION NO. 468-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
THOMAS R. ARGO, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Thomas R. Argo, Taraval Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, attorney for Police Officer Thomas R. Argo, that the date for the setting of the hearing before the Police Commission be set for June 2, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Thomas R. Argo, is set for Wednesday, June 2, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 469-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
STEVE R. MARQUEZ, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Steve R.

Marquez, Taraval Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, attorney for Police Officer Steve R. Marquez, that the date for the setting of the hearing before the Police Commission be set for June 2, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Steve R. Marquez, is set for Wednesday, June 2, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESETTING OF DATE OF HEARING OF POLICE OFFICER FRANCIS MURPHY, POTRERO POLICE STATION

Mr. Akins said when the date of June 23rd was set for hearing Officer Murphy's charges, he had anticipated that it would be set a lot sooner than that date. He said he did not realize that Captain Kotta was on vacation for that week and he was a prime witness in the case. He said he had informed Mr. Bley's Office that he would be requesting a new date which would be July 14th, a hearing date that is open and at which time Captain Kotta would be available.

Mrs. Janice Musante, attorney in the Law Offices of Bley and Bley, said that they were representing Officer Murphy and because of the amount of discovery in this case they had requested that it be specially set for June 23rd and that for the record they would be opposed to it being set for any other date.

Commissioner Nelder said this matter is one where the officer is currently under suspension and the Department's key witness will not be available until July 14, and, therefore, he would move that this matter be continued to July 14th and set for hearing on that date.

Commissioner Murphy seconded it, and it was unanimously approved.

RESOLUTION NO. 470-82

RESETTING OF DATE FOR HEARING OF POLICE
OFFICER FRANCIS J. MURPHY, POTRERO POLICE
STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Francis J. Murphy, Potrero Police Station, was called, it having been set for June 23, 1982; and

WHEREAS, Mr. Jerry Akins, attorney for the San Francisco Police Department stated that the key witness in this matter would not be available until July 14, 1982, and requested that the hearing be held at that time; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Francis J. Murphy, is set for Wednesday, July 14, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 473-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
BRUCE O. POWELL, COMMUNITY RELATIONS UNIT

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Bruce O. Powell, Community Relations Unit, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, that the date for the setting of the hearing before the Police Commission be set for June 9, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Bruce O. Powell, is set for Wednesday, June 9, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 464-82

POLICE OFFICER WILLIE J. CUNNINGHAM,
NORTHERN POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Willie J. Cunningham, Northern Police Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department. (Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to maintain himself in a fit condition to perform police duties. (Violation of Section A-3 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Willie J. Cunningham, Northern Police Station, is set for Wednesday, June 9, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 474-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
TEDDY M. QUERUBIN, PARK POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Teddy M. Querubin, Park Police Station, was called, it

having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for August 11, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Teddy M. Querubin, is set for Wednesday, August 11, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 465-82

POLICE OFFICER STEPHEN N. BOSSHARD, VICE
CRIMES DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Stephen N. Bosshard, Vice Crimes Division, as follows:

SPECIFICATION NO. 1

Failure to maintain himself in a fit condition to perform police duties. (Violation of Section A-3 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Discharging a firearm as a warning. (Violation of Section I-C-1 of General Order F-1 of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to verbally notify the station keeper of the district in which he discharged a firearm. (Violation of Section II-B-1 of General Order F-1 of the San

Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Stephen N. Bosshard, Vice Crimes Division, is set for Wednesday, June 9, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 466-82

POLICE OFFICER PATRICK E. MURPHY, NORTHERN
POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Patrick E. Murphy, Northern Police Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department. (Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOVLED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Patrick E. Murphy, Northern Police Station, is set for Wednesday, June 9, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 467-82

POLICE OFFICER RICHARD H. ACERET, NORTHERN
POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Richard H. Aceret, Northern Police Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department. (Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Richard H. Aceret, Northern Police Station, is set for Wednesday, June 9, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REQUEST OF POLICE OFFICER DARYL P. WILLIAMS, MUNI TRANSIT POLICE DIVISION, FOR PERMISSION TO TAKE A LEAVE OF ABSENCE WITHOUT PAY FOR A PERIOD OF SIXTY (60) DAYS FROM MAY 20, 1982. (PENDING HIS HEARING BEFORE THE POLICE COMMISSION.) AND REQUEST OF POLICE OFFICER JODY J. MOROSCHOK, SUPPORT SERVICES BUREAU, PHOTO LAB SECTION, FOR PERMISSION TO TAKE A LEAVE OF ABSENCE WITHOUT PAY FOR A PERIOD OF SIXTY (60) DAYS FROM MAY 20, 1982. (PENDING HIS HEARING BEFORE THE POLICE COMMISSION.)

Mr. Jerry Akins said that the last time Mr. Bley was before the Commission in this matter, he indicated that the Leaves of Absence request would be forwarded to his office and as Officer Williams and Officer Moroschok were both his clients, it

was his intention to execute the forms or have Officers Williams and Moroschok to execute the forms and return them to the Police Commission Office.

Mrs. Musante said that she would look into this matter and let the Commission Office know as soon as possible about what is happening with these documents.

Commissioner Nelder said that he would move that this matter be carried for one week for setting of a date.

It was seconded by Commissioner Murphy and unanimously approved.

PRESENTATION OF MEDAL OF VALOR AWARDS AND CERTIFICATES

Commissioner Sanchez said that on behalf of the Police Commission and as Chairman of the Commission he felt that this is one of the rare opportunities to thank the men and women of the Department and their families for their unique continuous commitment and dedication to outstanding law enforcement services in this city.

He then explained the process to those persons in the audience and turned the gavel over to Commissioner Murphy who was the Chairperson of the last Awards Committee meeting.

Commissioner Murphy said she has served as Chairperson of the Awards Committee many times over the past six (6) years and has always been impressed by the kind of bravery and gallantry exhibited by the officers of this department.

She said there were no Gold Medals awarded at this meeting but those receiving Silver Medals will receive monetary awards of \$100, Bronze Medal recipients \$50 and Meritorious Conduct Awards will also receive \$50. She said these officers performed outstanding and amazing feats of bravery and that the Commission looked forward to honoring them tonight and many more times in the future.

Commissioners Nelder, Daly, Sanchez and Toler also extended their praises and good wishes to the Award recipients and their families.

The Awards were presented to the following officers:

Officer Daniel A. McDonagh...Meritorious Conduct Award
Officer Jere M. Williams....Meritorious Conduct Award
Officer Daniel A. McDonagh...Bronze Medal of Valor
Officer Randolph M.
Radosevich.....Bronze Medal of Valor
Officer Jere M. Williams....Bronze Medal of Valor
Inspector Carl F. Peters....Bronze Medal of Valor
Officer Richard K.
Benjamin.....Bronze Medal of Valor
Officer Robert D. Fredianni.Bronze Medal of Valor
Officer Donald T. Ross.....Bronze Medal of Valor
Officer James L. Batchelor..Bronze Medal of Valor
Officer Robert J. Del Torre.Bronze Medal of Valor
Officer Daniel J. May.....Bronze Medal of Valor
Officer Kevin M. Gotchet....Bronze Medal of Valor
Officer William J. Cooke....Bronze Medal of Valor
Officer Barry J. Wolf.....Bronze Medal of Valor
Officer William M. Garcia...Bronze Medal of Valor
Officer Donald R. Read.....Bronze Medal of Valor
Officer Alex T. Williams....Bronze Medal of Valor
Officer John V. Wyman.....Bronze Medal of Valor

PUBLIC HEARING OF SPECK CAB COMPANY'S RESPONSE
TO THE PETITION OF THE VETERANS TAXICAB COMAPNY
AS TO ALLEGED VIOLATIONS OF PROPOSITION K. (CON-
TINUED FROM THE MEETING OF MAY 12, 1982.) - CON-
TINUED OFF CALENDAR.

Mr. Steven Diaz, Deputy City Attorney's Office,
Mr. Steven Scarpulla, attorney for Speck Cab Com-
pany and Mr. Wayne Canterbury, attorney for Veter-
ans Cab Company, all appeared on this item.

Commissioner Sanchez said he understands that a settlement has been arrived at and submitted but, unfortunately, Mr. Diaz has been involved in a court case and has not had the opportunity to review the agreement.

Mr. Diaz said that the papers were not received by his office until late last week and he has been involved in a jury trial for the last two weeks, thus negating his ability to undertake a complete legal analysis of the agreement. He said his initial impression is that the settlement agreement is probably in conformance with the requirements of Proposition K. However, he said, before he would render a formal opinion he would need to do further legal research on it.

Commissioner Nelder said he would suggest that the matter be put off calendar until Mr. Diaz responds. He then so moved and it was seconded by Commissioner Murphy and unanimously approved.

The Commissioners, having received, amended and returned copies of the minutes of the meetings of April 14, 1982 and April 21, 1982, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU

On Traffic Calendar item #24, The Park Lane Apts, a Mr. Vincent Mullins, the Trustee and Legal Title Holder of the Park Lane Properties, spoke in opposition to the cancellation of the white zone in front of this apartment building.

After further discussion, Commissioner Nelder moved to sever this matter from tonight's calendar and continue it for two (2) weeks for further study and report back to the Commission at that time with answers to questions brought out, i.e., review with Fire Department and Muni, during the discussion on this matter.

Commissioner Murphy seconded and it was unanimously approved.

On Traffic Calendar item #7, Mr. Roger Creer spoke regarding an application for a white zone at 1770 Lombard Street, known as the San Francisco Inn.

Mr. Creer indicated that he felt discriminated against in that other agencies along the area have these zones making it harder for him to compete with them.

Sergeant Newlin said he wasn't aware of the magnitude of Mr. Creer's problems and suggested that this item be continued also.

Commissioner Nelder said he would so move and it was scheduled also for two (2) weeks hence.

Thereafter, the entire Consent Calendar was approved.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

50 BEALE STREET - BECHTEL POWER CORP.

- a) At 50 Beale Street, install a 44' Special Truck Zone, extending from 180' to 224' north of Mission Street.
- b) Signs 7 A.M. - 11 A.M. to be posted on meters #40 and #42.

41 FRANKLIN STREET - PRINTMASTERS

- a) At 41 Franklin Street, install a 22' yellow zone, extending from 7' to 29' north of the south property line of 41 Franklin Street.
- b) Remove meter FRA #41.

1737 POST STREET - MARUWA SUPERMARKET

- a) At 1737 Post Street, install a 16' white zone, extending from 15' to 31'

east of east curb line of Webster Street.

- b) Remove meter #1733.

125 EXCELSIOR - S.F.U.S.D.

- a) At 125 Excelsior, install a 45' white zone, extending from 15' west of the west curb of Paris Street to 60' of same.

2512 CLEMENT STREET - AKI JAPANESE CUISINE

- a) At 2512 Clement Street, revoke existing 45' green zone, extending from west property line 45' west of same.
- b) Replace with 24' white zone, extending from east property line 24' west of same.

1390 VALLEJO STREET - FETTRICCINE BROS -
SALUMERIA CAFE - DENIED

- a) At 1390 Vallejo Street, install a 22' green zone, extending from west property line of 2100 Larkin Street 22' east on Vallejo Street. DENIED.

2477 CHESTNUT STREET - S.F.P.D. - REVOKED

- a) At 2477 Chestnut Street, revoke existing 36' green zone, extending from 18' to 54' of the east line of the building.

547-551 STEVENSON STREET - S.F.P.D. - REVOKED

- a) At 547-551 Stevenson Street, revoke existing 36' yellow zone, extending from 60' to 96' east of west building line.

499-34th AVENUE - S.F.P.D. - REVOKED

- a) At 499-24th Avenue, revoke existing 18' green zone, extending from 9' to 27' north of Geary Boulevard.

555-559 STEVENSON STREET - S.F.P.D. - REVOKED

- a) At 555-559 Stevenson Street, revoke existing 36' yellow zone, extending from 24' to 60' east of the west line of building.

1717-15th STREET - S.F.P.D. - REVOKED

- a) At 1717-15th Street, revoke existing 40' green zone, extending from 12' to 52' west of Valencia Street.
- b) At 1717-15th Street, revoke existing 18' yellow zone, extending from 4' west of to 14' east of the west line of the building.

952 CLEMENT STREET - S.F.P.D. - REVOKED

- a) At 952 Clement Street, revoke existing 20' white zone, extending from 9' to 29' east of 11th Avenue.

951 CLEMENT STREET - S.F.P.D. - REVOKED

- a) At 951 Clement Street, revoke existing 20' white zone, extending from 12' to 32' east of 11th Avenue.

933 CLEMENT STREET - S.F.P.D. - REVOKED

- a) At 933 Clement Street, revoke existing 36' white zone, extending from 6' to 42' east of west building line.

939 CLEMENT STREET - S.F.P.D. - REVOKED

- a) At 939 Clement Street, revoke existing 44' yellow zone, extending from 44' to 88' east of 11th Avenue.

933 CLEMENT STREET - S.F.P.D. - REVOKED

- a) At 933 Clement Street, revoke existing 24' yellow zone, extending east of the west line of 933 Clement Street.

789 EDDY STREET - ED BALATTI - REVOKED

- a) At 789 Eddy Street, revoke existing 29' yellow zone, extending from 3' to 32' west of the east property line.

275 SOUTH VAN NESS AVENUE - S.F.P.D. - REVOKED

- a) At 275 South Van Ness Avenue, revoke existing 24' yellow zone, extending 24' south of north property line.
- b) Revoke 6' of red zone - leave driveway tips.

18 FRANCIS - S.F.P.D. - REVOKED

- a) At 18 Francis, revoke existing 20' yellow zone, extending from 64' to 84' west of Mission Street.

635-641-665-675 GOLDEN GATE AVENUE - S.F.P.D.-
REVOKED

- a) At 635 Golden Gate Avenue, revoke existing 22' yellow zone.
- b) At 641 Golden Gate Avenue, revoke existing 16' yellow zone.
- c) At 665 Golden Gate Avenue, revoke existing 38' yellow zone.
- d) At 675 Golden Gate Avenue, revoke existing 18' yellow zone.

1200 CALIFORNIA STREET - S.F.P.D. - REVOKED

- a) At 1200 California Street, revoke 22' of existing white zone, extending from 28' to 50' west of west property line.
- b) Leave 22' white zone, extending from 6' to 28' west of the west property line.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 562 feet of green, white and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 432-82

UDO HASENKAMP & MARIA CALDERA

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Udo Hasenkamp and Maria Caldera in the sum of \$8,865.00 in Superior Court Action No. 773-586 entitled "Udo Hasenkamp, Maria Caldera vs. CCSF, a municipal corporation, Edgar Jose, Callejas: Does I through X, inclusive," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 25, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 433-82

STEVEN STRAUSS AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Steven Strauss in the sum of \$4,500.00 in Superior Court Action No. 771-155 entitled "Steven Strauss vs. CCSF, Michael Jamison, Alan Berman and Michael Berman, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 23, 1980

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO.434-82

RICHARD ERIC ANDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Richard Eric Anderson in the sum of \$800.00 in Superior Court Action No. 766-487, entitled "Richard Eric Anderson vs. CCSF," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 19, 1979

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 435-82

L. LINDNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of L. Lindner against the City and County of San Francisco in the sum of \$289.73 as the result of a collision, be, and the same is hereby approved.

Date of Incident: April 13, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 436-82

STUART M. COWAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stuart M. Cowan against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 6, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 437-82

ODELL RHODES, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Odell Rhodes, Jr., against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 438-82

ROBERTO AREINLEGA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roberto Areinlega against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 439-82

SANDRA FONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra Fong against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 440-82

DANIEL S. COOKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel S. Cookson against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 18, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 441-82

DANIEL GEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel Gee against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 442-82

RODGER S. HADA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rodger S. Hada against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 21, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 443-82

MICHAEL K. DOYLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael K. Doyle against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 23, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 444-82

ATLAS TOW SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Atlas Tow Service against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 445-82

ATLAS TOW SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Atlas Two Service against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 8, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 446-82

ATLAS TOW SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Atlas Tow Service against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 5, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 447-82

ATLAS TOW SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Atlas Tow Service against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 448-82

ATLAS TOW SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Atlas Tow Service against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 449-82

KAREN M. MINDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen M. Mindt against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 450-82

STACEY SCHNEIDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stacey Schneider against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 451-82

ORLOFF W. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Orloff W. Miller against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 20, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 452-82

RICHARD C. MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard C. Moore against the City and County of San Francisco in the sum of \$45.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 453-82

JOHN PILGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Pilger against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 29, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 454-82

KEVAN MAC LENNAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevan MacLennan against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 455-82

KEVIN RANDOLPH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Randolph against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 456-82

ANTONIO S. CHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Antonio S. Chan against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 29, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 457-82

TONG PARK NG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tong Park Ng against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 458-82

JAMES R. CLAYTON, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James R. Clayton, Jr., against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 459-82

POWELL TOWING SERVICE, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Powell Towing Service against the City and County of San Francisco in the sum of \$75.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 460-82

JONES TOWING SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Jones Towing Service against the City and County of San Francisco in the sum of \$110.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 461-82

DIANE LE BOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane LeBow against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 462-82

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sergeant Edmund Pecinovsky)	\$381.24	(Effective Management
Legal Office)		(Communications Seminar,
			(Pomona, California,
			(April 22, 1982 to
			(April 24, 1982.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 463-82

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sergeant Kenneth Davis)	\$546.00	(Field Training
Field Operations-FTO)		(Officer Course, Santa
			(Cruz, California, May
			(2, 1982 to May 7, 1982.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Murphy said she had obtained copies of the ordinance recently passed by the Board of Supervisors on a proposed Office of Civilian Complaints procedures. She said she handed out copies of it to the Commissioners and Chief and that she would like to have some discussion on it at a Commission Meeting after the Department and Commission members have had time to peruse it.

It was set for discussion on the Commission Calendar of June 9, 1982.

Commissioner Sanchez said he would just like to make one comment that pertains to the Police-Fire Mass held this past weekend, and also, regarding Police Week. He said there was a great deal of participation at National Police Week forums, however, he felt that if there were more dissemination throughout the Department regarding the Police-Fire Mass there would be more officers in attendance. He said he would hope that next year the Department has a much more active participation.

He said he would like to thank the Police Officers' Association for providing doughnuts, coffee and juices for the families who attended the services.

He then said the Commission met in Executive Session with its attorney on Attorney-Client matters and no vote was taken.

PUBLIC HEARING RELATIVE TO PROPOSED SECONDARY
EMPLOYMENT GENERAL ORDER NO. T-1.

Commissioner Sanchez said the last time this matter was calendared there were a number of speakers and after listening to their testimony the matter was continued to this date for decision.

He then asked for comments from Chief Cornelius Murphy.

Chief Murphy said the Department had received copies from other departments regarding their Secondary Employment and that he had not had an opportunity to review those, but, however, a cursory review revealed that there were some

changes he would like to make in the bulk of this Department's Proposed Secondary Employment Order.

He said he would, therefore, request a two weeks continuance on that part of it but he would like to separate the two issues as to the order itself and the liability on the part of the city.

He said for the Hold Harmless portion he would like to have a definitive study for a 6 month period of time as to what impact Secondary Employment has had on the City and the Department in terms of liability.

He then requested that it be continued to January 12, 1983.

Commissioner Nelder said he would move that the Hold Harmless aspect of this General Order be severed from the rest of it and comply with the Chief's request for a 6 month continuance.

Commissioner Daly seconded and it was unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no further report.

Commissioner Murphy said she wanted to discuss a general order recently passed by the Department regarding prisoners personal property.

She said it is in regard to a man who was arrested and had a very valuable dog. She said the order itself does not cover what should be done with property of this nature.

Deputy Chief Shannon assured Commissioner Murphy that other procedures are followed in this regard and that necessary care and protection would be rendered to an animal after its owner has been arrested. Subsequent notification is then made to the SPCA who will shelter the animal until retrieved by its owner.

Commissioner Murphy then said that is O.K., but the owner of the dog was not given a receipt for the dog or told where he could pick the dog up.

Deputy Chief Shannon said he would add this information to the order of Prisoners Personal Property.

AMENDING ARTICLES 15.6 AND 27 OF THE MUNICIPAL POLICE CODE WHICH WOULD REQUIRE THAT DISPLAY ADVERTISEMENTS FOR MASSEURS/MASSEUSES, MASSAGE PARLORS, OUT-CALL MASSAGE SERVICES AND ESCORT SERVICES CONTAIN THE NUMBER OF THE PERMIT HELD BY THE ADVERTISER.

Officer Lamont Suslow from the Permit Section, said a citizen by the name of Katherine Willis representing the Golden Gate Massage Association, requested that the Department propose, or suggest, to the Board of Supervisors an inclusion of ordinances in the Massage Establishment Ordinance as well as the Escort Service Ordinance, a requirement that anyone that has a permit and places any form of advertisement in the City, include in that advertisement their permit number. He said the Department thinks this is a good idea and that it would discourage unlicensed persons from advertising as well as enabling the Vice Crimes Division to better enforce violations committed by persons with, or without the proper permit.

RESOLUTION NO. 471-82

AMENDING ARTICLES 15.6 AND 27, PART II, CHAPTER VIII, SAN FRANCISCO MUNICIPAL CODE (POLICE CODE), BY AMENDING SECTION 2726 OF ARTICLE 27 TO REQUIRE INCLUSION OF PERMIT NUMBERS IN MASSAGE ADVERTISEMENTS AND BY AMENDING SECTION 1074.22 OF ARTICLE 15.6 TO REQUIRE INCLUSION OF PERMIT NUMBERS IN ESCORT SERVICE ADVERTISEMENTS.

WHEREAS, the Municipal Ordinances of the City and County of San Francisco require that persons practicing the art of massage and those offering their services as social escorts within the City and County be licensed; and

WHEREAS, this requirement is designed to maintain the high standards of the art and profession of massage and to ensure that persons provided escorts are in safe hands; and

WHEREAS, many persons who are not licensed as either escorts or masseurs/masseuses are advertising their services to the public through display advertising appearing in the press and

the Bell System Yellow Pages; and

WHEREAS, these licensed masseurs/masseuses and escort services discredit those persons trained and licensed to provide massages or serve as escorts; therefore, be it

RESOLVED, that the Police Commission of the City and County hereby requests that the Board of Supervisors adopt the attached amendments to Articles 15.6 and 27 of the Municipal Police Code which would require that display advertisements for masseurs/masseuses, massage parlors, out-call massage services and escort services contain the number of the permit held by the advertiser.

(Copy on file in the Police Commission Office.)

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

REQUEST FOR APPROVAL OF PROPOSED AMENDMENT TO
THE SICK LEAVE RULES REQUIRING FIRST DAY MEDICAL
CERTIFICATE FOR FIELD TRAINING OFFICER PROGRAM
PROBATIONARY OFFICERS. - AND - REQUEST FOR APPROVAL
OF SPECIAL ORDER TITLED, INTERNAL AFFAIRS BUREAU
INTERVIEWS - SWORN MEMBERS.

Deputy Chief Shannon said that on this item and item 15 the Commission and Administration was supposed to have a Meet and Confer Session with the Police Officers' Association today, but it was cancelled as he and Mr. Bob Barry, President of the Police Officers' Association, had to appear in Federal Court this afternoon at 3:30 p.m.

He suggested that the matter for Meet and Confer for these two items be set for 4:00 p.m., on June 9, 1982.

It was then so set.

PERMISSION TO ACCEPT A REWARD - APPROVED

The request of Police Officer Brian A. Boyd and Police Officer Martin Casey, Northern Station, for permission to accept a reward of seventy five dollars (\$75.00) for the return of a deserter from the Army at Treasure Island, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

IN ACCORDANCE WITH GENERAL ORDER D-1, SECTION A-8, A HEARING IS REQUESTED BEFORE THE POLICE COMMISSION REGARDING THE TWO TIER TRAINING PROGRAM PROPOSED BY THE DEPARTMENT'S CONSENT DECREE UNIT FOR TRAINING MEMBERS IN PREPARATION FOR THE LIEUTENANT'S EXAMINATION.

Deputy Chief Shannon said this matter was the item that he and Mr. Barry had to make an appearance on in Federal Court. He said he would think it would be proper at this point and time until some decision has been rendered by the court to discuss it. He said it may be proper, but the whole point may be moot as parties to the Consent Decree will go back into court June 2, for a resolution on the matter.

Sergeant Michael Hebel appearing on the matter said it is a very timely and hot issue and he is requesting along with 300 sergeants that if Tier II Training, currently suspended, is again initiated, that all qualified applicants be given the opportunity to receive it.

He said the petition before the Commission is asking the Commission to reaffirm its policy which outlines equal opportunity for all members of the Department.

Commissioner Nelder said that he would move that this matter be carried until it is either adjudicated by the court or, if not, then it would be returned to the Commission's calendar to be discussed.

Thereafter the Commission adjourned its meeting.

The Commission adjourned its meeting
at 6:55 p.m.



SECRETARY

2 JUNE 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 2, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

DOCUMENTS DEPT.

Commissioner Sanchez presiding.

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RESOLUTION NO. 472-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
THOMAS R. ARGO, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Thomas R. Argo, Taraval Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, attorney for Police Officer Thomas R. Argo, that the date for the hearing before the Police Commission be set for August 25, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Thomas R. Argo, is set for Wednesday, August 25, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 475-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
STEVE R. MARQUEZ, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disci-

plinary hearing of Police Officer Steve R. Marquez, Taraval Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, attorney for Police Officer Steve R. Marquez, that the date for the hearing before the Police Commission be set for August 25, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Steve R. Marquez, is set for Wednesday, August 25, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 480-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER DARYL P. WILLIAMS, MUNI TRANSIT POLICE DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Daryl P. Williams, Muni Transit Police Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. John Prentice, attorney for Police Officer Daryl P. Williams, that the date for the hearing before the Police Commission be set for July 14, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Daryl P. Williams, is set for Wednesday, July 14, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 476-82

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING
OF CHARGES - APPROVED

WHEREAS, Police Officer Daryl P. Williams, Muni Transit Police Division, was suspended without pay effective October 9, 1981 at 2300 hours, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Daryl P. Williams, Muni Transit Police Division, has requested a Leave of Absence Without Pay pending hearing of the charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Daryl P. Williams, Muni Transit Police Division, be placed on a Leave of Absence Without Pay at his request for a period of sixty (60) days commencing May 20, 1982, until his hearing is held before the Police Commission, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler,
Sanchez

ABSENT: Commissioner Murphy

REQUEST OF POLICE OFFICER JODY J. MOROSCHOK, SUPPORT SERVICES BUREAU, PHOTO LAB SECTION, FOR PERMISSION TO TAKE A LEAVE OF ABSENCE WITHOUT PAY FOR A PERIOD OF SIXTY (60) DAYS FROM MAY 20, 1982. (PENDING HIS HEARING BEFORE THE POLICE COMMISSION.) - CONTINUED ONE (1) WEEK.

AYES: Commissioners Daly, Nelder, Toler,
Sanchez

ABSENT: Commissioner Murphy

It was noted by the Commission that two civilian Police Commission members, Sidney B. Linden and Stephen B. Ginsberg, from Canada, were attending today's meeting.

Commissioner Sanchez, on behalf of the Police Commission, acknowledged their presence and welcomed

them to the meeting and also to the City and County of San Francisco.

HEARING OF POLICE OFFICER YVONNE L. HARBOR,
POTRERO POLICE STATION

The hearing of Police Officer Yvonne L. Harbor, Potrero Police Station, was called, it having been set for this date. Police Officer Yvonne L. Harbor was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Failure to make a written report to her commanding officer. (Violation of Section A-26 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Neglect of Duty which reflects Discredit upon the Department. (Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Yvonne L. Harbor, appeared in person and was represented by Mrs. Janice Musante, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

Opening statement was made by the Prosecuting Attorney.

Opening statement was waived by the Defense Attorney.

The following-named witnesses appeared for the Prosecution, were duly sworn and testified:

Mr. Merrill R. Cohn
693 Vermont Street
San Francisco, California

Captain Paul A. Kotta
Commanding Officer
Potrero Station

The following-named witnesses appeared for the Defense, were duly sworn and testified:

Police Officer Yvonne L. Harbor
Potrero Station

Police Officer Earl E. Wismer
Northern Station

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 477-82

DECISION - HEARING OF POLICE OFFICER YVONNE L. HARBOR - POTRERO STATION

WHEREAS, on April 12, 1982, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Yvonne L. Harbor, as follows:

SPECIFICATION NO. 1

- a) At all times mentioned herein, Yvonne Harbor was and is a police officer employed by the San Francisco Police Department;
- b) As a police officer, Officer Harbor was and is responsible for knowing and obeying the General Orders of the San Francisco Police Department;
- c) On January 14, 1982, at or about 1100 hours, Officer Harbor was on duty and present inside Potrero Police Station;

- d) At or about 1100 hours on January 14, 1982, a citizen approached Officer Harbor and requested assistance in reporting a crime;
- e) The citizen told Officer Harbor that Communications had sent him to Potrero Station because it was near his place of employment and would be the most expeditious place to make a police report;
- f) Though there was some confusion as to the type of "forms" for reporting crime, Officer Harbor knew that the citizen wished to report a crime which had not previously been reported;
- g) By failing to make a written report to her commanding officer, Officer Harbor violated Section A-26 of General Order D-1 of the San Francisco Police Department, which states that:

"Member shall, when on-duty, make a written report to their commanding officer of any crime or urgent police matter that comes to their attention, on which an incident report has not been made or that has not already received the attention of another member."

SPECIFICATION NO. 2

- a) Each and every allegation contained in paragraphs (a) through (c) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- b) By failing to make a report to her commanding officer, Officer Harbor neglected her duty which is a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects

discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered un-officer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 2, 1982, and that on Wednesday, June 2, 1982, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Yvonne L. Harbor, Potrero Station, as contained in Specification No. 1, violation of Section A-26, and Specification No. 2, violation of Section A-9 of General Order D-1 of the San Francisco Police Department are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Yvonne L. Harbor has not violated Specification No. 1, Section A-26, and Specification No. 2, Section A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, Section A-26 and Specification No. 2, Section A-9 of General Order D-1, be, and the same are hereby dismissed.

Recess taken during the hearing of Police Officer Yvonne L. Harbor:

1957 hours to 2022 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Linda S. Pransky, C.S.R.)

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

HEARING OF POLICE OFFICER ARTHUR L. JOHNSON,
CENTRAL POLICE STATION

The hearing of Police Officer Arthur L. Johnson, Central Police Station, was called, it having been set for this date. Police Officer Arthur L. Johnson was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Failure to submit a written report to his commanding officer. (Violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Arthur L. Johnson appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the Police Department.

Opening statement was made by the Prosecuting Attorney

Opening statement was waived by the Defense Attorney.

The following-named witnesses appeared for the Prosecution, were duly sworn and testified:

Captain Victor Macia
Commanding Officer
Central Station

Sergeant John P. Robinson
Internal Affairs Bureau

Police Officer Arthur L. Johnson
Central Station

The following-named witnesses appeared
for the Defense, were duly sworn and testified:

Police Officer Arthur L. Johnson
Central Station

Police Officer John Geraty
Park Station

Sergeant Joaquin L. Santos
Central Station

Closing statements were then made by both
the Prosecuting and Defense Attorneys.

The Commission took the matter under sub-
mission, after which the following resolution
was adopted:

RESOLUTION NO. 478-82

DECISION - HEARING OF POLICE OFFICER ARTHUR L.
JOHNSON, CENTRAL STATION

WHEREAS, on April 9, 1982, Cornelius P.
Murphy, Chief of Police, made and served
charges against Police Officer Arthur L. Johnson,
as follows:

SPECIFICATION NO. 1

- a) At all times mentioned, Arthur L.
Johnson was and is a police officer
employed by the San Francisco Police
Department;
- b) At all times herein mentioned, Officer
Johnson was assigned to Central Station;
- c) As a police officer, Officer Johnson was
and is responsible for knowing and obey-
ing the Rules and Procedures of the
San Francisco Police Department;

- d) On December 6, 1981, Officer Johnson was on duty, in uniform, and assigned to station duty at Central Station on the 2300 to 0700 hours watch;
- e) At or about 2330 hours on December 6, 1981, a citizen came to the counter at Central Station and reported to Officer Johnson that she had found a wallet containing identification, credit cards, and sixty dollars (\$60.00) in United States currency;
- f) Officer Johnson took the wallet and contents from the citizen but failed to prepare an incident report regarding found property, and failed to issue a receipt for the property;
- g) By failing to submit a written report to his commanding officer, Officer Johnson violated Section 2.61 of the Rules and Procedures of the San Francisco Police Department which states that a member:

"Shall, whether on or off duty, make written report to his commanding officer of any crime or other occurrences of a police nature, which comes to his attention and which has not already received the attention of some other member."

SPECIFICATION NO. 2

- a) Each and every allegation contained in paragraphs (a) through (f) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- b) By failing to submit a written report to his commanding officer and by failing to issue a property receipt, Officer Johnson has engaged in unofficerlike conduct which is a violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department which states that:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the

part of any member either within or without the state which tends to subvert the good order, efficiency and discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not defined or laid down in these Rules and Procedures shall be considered un-officerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 2, 1982, and on Wednesday, June 2, 1982, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Arthur L. Johnson as contained in Specification No. 1, Section 2.61 and Specification No. 2, Section 2.13 of the Rules and Procedures of the San Francisco Police Department, are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Arthur L. Johnson has violated Specification No. 1, Section 2.61 and Specification No. 2, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer Arthur L. Johnson has violated Specification No. 1, Section 2.61 of the Rules and Procedures of the San Francisco Police Department and for said violation, he shall be reprimanded and suspended from the Field Training Officer Program; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer Arthur L. Johnson has violated Specification No. 2, Section 2.13 of the Rules and Procedures of the San Francisco Police Department and for said violation, he shall be suspended from duty without pay for three (3) working days; and be it further

RESOLVED, that said suspension of three (3) working days shall commence on Thursday, June 3, 1982 at 0001 hours, and terminate on Saturday, June 5, 1982 at 2400 hours.

Recess taken during the hearing of Police Officer Arthur L. Johnson:

2223 hours to 2229 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Linda S. Pransky, C.S.R.)

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

CHIEF'S WRITTEN REPORTS (BINDERS ONLY)

Noted.

RESOLUTION NO. 479-82

REQUEST FOR A SUPPLEMENTAL APPROPRIATION TO FUND THE SENIOR CITIZENS' ESCORT PROGRAM FOR FISCAL YEAR 1982-83

RESOLVED, that the Police Commission hereby approves a "Request for Supplemental Appropriation" in the amount of \$195,000. These funds will be utilized to fund the Senior Citizens' Escort Program for Fiscal Year 1982-83. Funding will be from "any legally available funds."

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

The Commission then adjourned its meeting at 10:31 p.m.



SECRETARY

9 JUNE 1982

MEET AND CONFER

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 9, 1982 at 1600 hours in a Meet and Confer Session.

Present for the
Police Department:

Present for the
Police Officers'
Association:

Commissioner Sanchez
Commissioner Murphy
Commissioner Daly
Commissioner Nelder
Commissioner Toler
Deputy Chief Shannon
Mr. Jerry Akins
FTO Commanding Officer
Lieutenant Walter Garry

Mr. Bob Barry

DOCUMENTS DEPT.

JUN 26 1982

SAINT FRANCISCO
POLICE DEPARTMENT

1. FTO Sick Leave

Problem - 1 day off sick requirement of sick certificate issue.

Request - Relief by permitting 3 day requirement for sick certificate.

Committee to meet and work out verification program and appear on June 23rd at 4:00 p.m., for Meet and Confer again.

2. Internal Affairs Bureau Interviews - Sworn Members

Continued for two (2) weeks for a Meet and Confer, June 23, 1982 at 4:00 p.m.

9 JUNE 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 9, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

Commissioner Sanchez presiding.

RESOLUTION NO. 506-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
WILLIE J. CUNNINGHAM, NORTHERN POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Willie J. Cunningham, Northern Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, Law Offices of Bley and Bley, attorney for Police Officer Willie J. Cunningham, that the date for the setting of the hearing before the Police Commission be set for June 23, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Willie J. Cunningham, is set for Wednesday, June 23, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 507-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
STEPHEN N. BOSSHARD, VICE CRIMES DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Stephen N. Bosshard, Vice Crimes Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, Law Offices of Bley and Bley, attorney for Police Officer Stephen N. Bosshard, that the date for the setting of the hearing before the Police Commission be set for June 23, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Stephen N. Bosshard, Vice Crimes Division, is set for Wednesday, June 23, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 508-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER PATRICK E. MURPHY, NORTHERN POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Patrick E. Murphy, Northern Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, Law Offices of Bley and Bley, attorney for Police Officer Patrick E. Murphy, that the date for the hearing before the Police Commission be set for September 22, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Patrick E. Murphy, Northern Police Station, is set for Wednesday, September 22, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 509-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER BRUCE O. POWELL, COMMUNITY RELATIONS UNIT

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Bruce O. Powell, Community Relations Unit, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice

Musante, Law Offices of Bley and Bley, attorney for Police Officer Bruce O. Powell, that the date for the hearing before the Police Commission be set for September 8, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Bruce O. Powell, Community Relations Unit, is set for Wednesday, September 8, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 510-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER RICHARD H. ACERET, NORTHERN POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Richard H. Aceret, Northern Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, Law Offices of Bley and Bley, attorney for Police Officer Richard H. Aceret, that the date for the hearing before the Police Commission be set for September 22, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Richard H. Aceret, Northern Police Station, is set for Wednesday, September 22, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 519-82

POLICE OFFICER PETER KOZEL, MUNI TRANSIT POLICE DIVISION

WHEREAS, charges of violating the Rules and

Procedures of the San Francisco Police Department were filed against Police Officer Peter Kozel, Muni Transit Police Division, as follows:

SPECIFICATION NO. 1

Failure to immediately notify his commanding officer in writing that he was subpoenaed by the defense in a criminal proceeding. (Violation of Section A-32 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Engaging in conduct which may have the effect of comprising the effective investigation or prosecution of a criminal offense. (Violation of Section B-10 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Peter Kozel, Muni Transit Police Division, is set for Wednesday, June 23, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

The Commissioners, having received, amended and returned copies of the minutes of the meetings of April 28, 1982 and May 5, 1982, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Commissioner Murphy commended Sergeant Newlin and the Traffic Bureau for getting trucks off Lombard Street.

Commissioner Sanchez congratulated Staff also regarding the blue zones installed for the handicapped at the Zoo.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1100 SACRAMENTO STREET - PARK LANE APARTMENTS

- a) At 1100 Sacramento Street, revoke existing 20' white zone, extending from 24' west of Mason Street to 44' west of Mason Street - leaves 49' white zone extending from 44' west to 93' west of Mason Street.

1015 GEARY STREET - LOMBARD HOTEL

- a) At 1015 Geary Street, install a 22' white zone, extending from east property line 22' west of same.
- b) Remove meter GEA 1005.

UNIT BLOCK - ZOO ROAD

- a) In Unit Block of Zoo Road, install four 10' diagonal handicapped parking spaces north of this entrance.

2800 SLOAT BOULEVARD - SAN FRANCISCO ZOO

- a) At 2800 Sloat Boulevard, install four 10' diagonal handicapped parking spaces west of the main zoo entrance on Sloat Boulevard.

3016 TARAVAL STREET - BIO-DESIGNS UNLIMITED

- a) At 3016 Taraval Street, install a 22' blue zone, extending from east property line 22' west of same.

2300 MASON STREET - ILWU CREDIT UNION

- a) At 2300 Mason Street, revoke existing 18' green zone, extending from 21' to 43' north of Francisco Street.
- b) Replace with 22' white zone, extending from 21' to 43' north of Francisco Street.

1177 CALIFORNIA STREET - GRAMERCY TOWERS

- a) At 1177 California Street, change existing 75' yellow zone to STLZ, extending 9' east of Jones Street to 84' east of Jones Street.

85-5th STREET - PICKWICK HOTEL

- a) At 85-5th Street, install a 44' white zone, extending from 54' to 99' north of the south property line.

796 PINE STREET - JMA ASSOCIATES - DENIED

- a) At 796 Pine Street, install a 22' white zone, extending from 16' to 38' east of the west property line. DENIED.

1362-9th AVENUE - S.F.P.D. - REVOKED

- a) At 1362-9th Avenue, revoke existing 42' yellow zone, extending from 18' to 60' north of the south line of the building.

601 MASON STREET - S.F.P.D. - REVOKED

- a) At 601 Mason Street, revoke existing 40' STLZ, extending from 9' to 49' north of Sutter Street. 7 A.M. to 1 P.M.

1070 GREEN STREET - S.F.P.D. - REVOKED

- a) At 1070 Green Street, revoke existing 30' yellow zone, extending east of the west line.

565 SOUTH VAN NESS AVENUE - S.F.P.D. - REVOKED

- a) At 565 South Van Ness Avenue, revoke existing 60' white zone, extending from 6' north of to 54' south of the north building line.

700 CHURCH STREET - S.F.P.D. - REVOKED

- a) At 700 Church Street, revoke existing 27' white zone, extending from 10' to 37' south of 19th Street.

790 CHURCH STREET - S.F.P.D. - REVOKED

- a) At 790 Church Street, revoke existing 20' white zone, extending between the driveways.

1401 CLAY STREET - LE ROY MARKET - REVOKED

- a) At 1401 Clay Street, revoke 20' yellow zone, extending from 2' west of Leavenworth Street. Will leave 22' yellow zone for Market Loading Zone.

404 BRYANT STREET - S.F.P.D. - REVOKED

- a) At 404 Bryant Street, revoke existing 22' yellow zone, extending from 15' to 37' east of west property line.

1263 LEAVENWORTH STREET - LEROY MARKET - REVOKED

- a) At 1263 Leavenworth Street, revoke existing 23' green zone, extending from 28' south of Clay Street to 51' south of Clay Street. Will still leave market with 22' green zone.

645 MONTGOMERY STREET - S.F.P.D. - REVOKED

- a) At 645 Montgomery Street, revoke existing 38' white zone, extending from 31' to 69' south of Washington Street.

100 SPEAR STREET - S.F.P.D. - REVOKED

- a) At 100 Spear Street, revoke existing 75'

yellow zone, extending from 30' to 105' south of Mission Street.

101 MISSION STREET - S.F.P.D. - REVOKED

- a) At 101 Mission Street, revoke existing 42' yellow zone, extending from 9' to 51' west of Spear Street.

695 MONTGOMERY STREET - S.F.P.D. - REVOKED

- a) At 695 Montgomery Street, revoke existing 34' yellow zone, extending from 10' to 44' south of Washington Street.

#1 STILLMAN - S.F.P.D. - REVOKED

- a) At #1 Stillman Street, revoke existing 30' yellow zone, extending from 75' to 105' west of Second Street.
- b) At #1 Stillman Street, revoke existing 30' yellow zone, extending from 27' to 57' west of Second Street.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 553 feet of white, green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RETIREMENT

A communication was received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named

member of the Poilce Department:

- a) Lieutenant James F. Skinner, Southern Station, for service, effective May 1, 1982.

The communication was ordered filed.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 481-82

FRANCES SHARYL MINNIS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Frances Sharyl Minnis in the sum of \$3,000.00 in Superior Court Action No. 197-133, entitled, "Frances Sharyl Minnis vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 13, 1977

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 482-82

LARRY M. DULA

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Larry M. Dula in the sum of \$950.00 in Superior Court Action No. 786-501, entitled, "Larry M. Dula vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 29, 1981

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 485-82

ABRAHAM T. YANG

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 397-159 against the City and County of San Francisco in the sum of \$231.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 8, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 487-82

KEITH LEWIS

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 398-627 against the City and County of San Francisco in the sum of \$80.42 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1981

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 483-82

JEAN ROCHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jean Roche against the City and County of San Francisco in the sum of \$109.51 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 484-82

DANIEL GUERRERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel Guerrero against the City and County of San Francisco in the sum of \$87.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 10, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 486-82

COURTESY TOW SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Courtesy Tow Service against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 488-82

NANCY C. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy C. Wong against the City and County of San Francisco in the sum of \$77.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 489-82

DAVID SCHNEIDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Schneider against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 12, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 490-82

MARY LIND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Lind against the City and County of San Francisco in the sum of \$55.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 3, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 491-82

BELITA ADLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Belita Adler against the City and County of San Francisco in the sum of \$15.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 492-82

ALBERT GREENBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albert Greenberg against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 3, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 493-82

PHYLLIS ELISE ANDELIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phyllis Elise Andelin against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 26, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 494-82

ADELE PICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Adele Pick against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 495-82

DAWN NEISSER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dawn Neisser against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 496-82

LESLEY HARRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lesley Harris against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 497-82

A.B.C. TOWING & STORAGE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the A.B.C. Towing & Storage Company against the City and County of San Francisco in the sum of \$155.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 498-82

ATLAS TOW SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the Atlas Tow Service against the City and County of San Francisco in the sum of \$66.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 499-82

ALBERT J. BRAMBILA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albert J. Brambila against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 500-82

KAM CHU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kam Chu against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 29, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 501-82

B & A TOWING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the B & A Towing against the City and County of San Francisco in the sum of \$15.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 22, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 502-82

A.B.C. TOWING & STORAGE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the A.B.C. Towing & Storage Company against the City and County of San Francisco in the sum \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 503-82

A.B.C. TOWING & STORAGE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the A.B.C. Towing & Storage Company against the City and County of San Francisco in the sum of \$86.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 504-82

TIMOTHY MURPHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Timothy Murphy against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 505-82

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sergeant Kenneth)	\$480.00	(Defensive Tactics
Davis)		(Course, Stockton,
Field Operations-)		(California, May 21,
FTO)		(1982 TO MAY 23, 1982.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

POLICE COMMISSION REPORT

- a) Should the Institutional Police of the Laguna Honda and San Francisco General Hospital be granted peace officer status? - Continued for two (2) weeks.

Deputy Chief Shannon said the Legal Department states: 1) 830.4 PC is too broad; 2) they must comply with POST and another problem is

age - many would be terminated. Minorities currently employed would also be impacted.

The matter was continued for two (2) weeks as a committee of officers and others, representatives of institutions, would then return with recommendations.

Commissioner Murphy announced meeting with people from Toronto regarding Civilian Review-Arbitration involved but investigation done by the Police Department. However, they are empowered to make their own investigations.

Commander D'Arcy and Captain O'Donnell gave the Commission an update on complaints on citations issued by meter checkers. He stated they are mostly complaints about the long lines in Room 101.

He further explained that on a specific complaint mentioned in a newspaper by a noted local columnist was currently under investigation.

One problem inherent in the Traffic Division is a need for additional supervision.

Captain O'Donnell said because of the increase in fines most people are now complaining.

Commissioner Nelder congratulated Commander D'Arcy, Captain O'Donnell and Sergeant Newlin for their overview of the parking complaint situation.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief submitted no report to the Commission tonight.

PERMISSION IS REQUESTED BY PATROL SPECIAL OFFICER WILLIAM CAVE TO SELL HIS PATROL SPECIAL OFFICER BEAT #42 TO ASSISTANT PATROL SPECIAL OFFICER JOSE GARCIA

AND

PERMISSION IS REQUESTED BY PATROL SPECIAL OFFICER
ROBERT HART TO SELL HIS PATROL SPECIAL BEAT #51
TO PATROL SPECIAL OFFICER WILLIAM CAVE

These two items were continued for two weeks so
that Mr. Killelea of the City Attorney's Office
can review the findings to the Police Commission.

Patrol Special Officer John Candido was given
permission to speak on the issue.

RECOMMENDATION OF THE CHIEF OF POLICE TO AMEND
PROPOSED SECONDARY EMPLOYMENT GENERAL ORDER NO.
T-1 -CONTINUED FOR TWO (2) WEEKS.

Deputy Chief Shannon advised that the proposal
would develop a process for unusual requests for
short periods only. He thereby requested a
two (2) weeks continuation.

RESOLUTION NO. 511-82

REQUEST OF MR. ARISTEO PELAYO TO SUSPEND OPERATION
OF HIS JITNEY BUS PERMIT FROM MAY 10, 1982 TO
AUGUST 8, 1982 - APPROVED

WHEREAS, Mr. Aristeo Pelayo has requested
that permission be granted to suspend operation
of his motor vehicle for hire permit from May 10,
1982 to August 8, 1982; and

WHEREAS, Mr. Pelayo did not appear in per-
son and was not represented by counsel; however,
Officer Lamont Suslow of the Permit Bureau indi-
cated that at a Chief's hearing, it was recommend-
ed that Mr. Pelayo's request be approved; there-
fore be it

RESOLVED, that it is the order of the Police
Commission that the request of Mr. Aristeo Pelayo
for permission to suspend operation of his motor
vehicle for hire permit from May 10, 1982 to August
8, 1982, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 512-82

REQUEST OF MR. MAXIE GARCIA TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM MAY 1, 1982 TO MAY 28, 1982 - APPROVED

WHEREAS, Mr. Maxie Garcia has requested permission be granted to suspend operation of his motor vehicle for hire permit from May 1, 1982 to May 28, 1982; and

WHEREAS, Mr. Garcia did not appear in person and was not represented by counsel; however, Officer Lamont Suslow of the Permit Bureau, indicated that at a Chief's hearing, it was recommended that Mr. Garcia's request be approved; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Maxie Garcia for permission to suspend operation of his motor vehicle for hire permit from May 1, 1982 to May 28, 1982, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 513-82

AUTHORIZING ACCEPTANCE ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT THE DONATION OF OFFICE EQUIPMENT FROM LEVI STRAUSS AND COMPANY FOR USE THROUGHOUT THE DEPARTMENT.

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept on behalf of the City and County of San Francisco, the gift of numerous items of used office furniture and supplies from Levi Strauss & Company for use throughout the department. The materials are valued at less than \$5,000.00.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

At this point the Commissioners requested an itemization of the property to be received from the Levi Strauss Company to which Deputy Chief Shannon said would be forthcoming.

REQUEST OF THE CHIEF OF POLICE FOR PERMISSION
TO ACCEPT A WEAPON DONATED BY KRON TV, NEWS
CENTER 4, VALUED AT \$500.00

Deputy Chief Shannon explained to the Commissioners the why for and type of weapon being donated.

The Commission indicated that a letter of appreciation should be sent.

RESOLUTION NO. 514-82

AUTHORIZING ACCEPTANCE ON BEHALF OF THE SAN
FRANCISCO POLICE DEPARTMENT THE GIFT OF AN
AR-15 RIFLE DONATED BY KRON-TV, NEWS CENTER 4

RESOLVED, that the San Francisco Police
Department hereby accepts and AR-15 Rifle donated by KRON-TV, News Center 4.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

REQUEST OF THE CHIEF OF POLICE FOR ADOPTION
OF A RESOLUTION DECLARING THE ENTIRE CITY TO
BE ONE ZONE IN WHICH BAYVIEW TOWING AND STORAGE
AND ABC TOWING MAY OPERATE. - CONTINUED FOR
TWO (2) WEEKS.

Sergeant Newlin said the City Purchaser requested this acknowledgement because of a requirement in the Municipal Code.

Commissioner Murphy indicated concerns regarding only two companies handling services for the entire city.

Sergeant Newlin, in further discussion, explained the significance and how the contract to the companies was awarded. He indicated this provision as it now stands will eliminate a myriad of problems. He also indicated how these companies would provide the services, their locations, and amount of equipment contained by each.

Discussion was then centered on Section 162 of the Municipal Traffic Code after which the Commissioners indicated concerns regarding the declaration of two companies for the entire city towing.

Deputy Chief Shannon indicated that this would not exclude other tow companies.

Commissioner Sanchez, noting the number of tow truck owners being present, opened the discussion to those interested parties.

The only speaker on the subject was Mr. Allen Topelin, Attorney, representing the Tow Operators.

After listening to the above speaker, a motion was moved and seconded to continue this matter for two weeks to allow legal clarification of Section 162 of the Traffic Code and bring the matter back to the Commission for decision.

Sergeant Newlin, upon instruction from Commander D'Arcy, will make this request for the legal clarification.

The Commissioners also requested a copy of Section 162 of the Traffic Code and Article 9, inclusive, and a summary of the Tow Contract.

RECEIPT OF REVISED DEPARTMENT GENERAL ORDER NO. P-1, TRANSFER POLICY AND PROCEDURES - (COPIES SENT TO EMPLOYEE ORGANIZATIONS) . - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 515-82

DEPARTMENT GENERAL ORDER NO. F-2, EMERGENCY OPERATION OF POLICE VEHICLES - APPROVED

RESOLVED, that the Police Commission hereby

adopts the revised version of Department General Order No. F-2, Emergency Operation of Police Vehicles.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

PUBLIC HEARING RELATIVE TO PROPOSED DEPARTMENT GENERAL ORDER NO. P-7, REGARDING COUNSELING OF MEMBERS BY COMMANDING OFFICERS. (CONTINUED FROM THE MEETING OF MAY 12, 1982) - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL ORDER REGARDING INTERNAL AFFAIRS PROCEDURES. (CONTINUED FROM THE MEETING OF MAY 12, 1982).

Amended copies were distributed by Deputy Chief Shannon who read to the Commissioners the effected sections of the order that are changed.

RESOLUTION NO. 516-82

DEPARTMENT GENERAL ORDER NO. L-1, CITIZEN'S COMPLAINT RECEIPT AND INVESTIGATION PROCEDURES-APPROVED

RESOLVED, that the Police Commission hereby adopts the Department General Order No. L-1, Citizen's Complaint Receipt and Investigation Procedures.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL ORDER REGARDING DISCIPLINE PROCESS. (CONTINUED FROM THE MEETING OF MAY 12, 1982). - CONTINUED

FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

IN ACCORDANCE WITH GENERAL ORDER D-1, SECTION A-8, A HEARING IS REQUESTED BEFORE THE POLICE COMMISSION REGARDING THE TWO TIER TRAINING PROGRAM PROPOSED BY THE DEPARTMENT'S CONSENT DECREE UNIT FOR TRAINING MEMBERS IN PREPARATION FOR THE LIEUTENANT'S EXAMINATION -CONTINUED FOR TWO (2) WEEKS.

This item was continued for two weeks as it may become a moot subject depending on the upcoming California Supreme Court Decision.

RESOLUTION NO. 517-82

POLICE OFFICER JODY J. MOROSCHOK, SUPPORT SERVICES
BUREAU, PHOTO LAB SECTION

WHEREAS, on October 28, 1981, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Jody J. Moroschok, as follows:

SPECIFICATION NO. 1

Failure to devote his entire time and attention to the efficient performance of police business during his watch or tour of duty. (Violation of Section 2.29 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Visiting a place wherein he knows or suspects that a penal statute or ordinance is being violated. (Violation of Section 2.99 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to enforce all penal laws and ordinances. (Violation of Section 2.01 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 4

Removal and furnishing of a police report or record from a station, bureau or office not in conformity with the law and when not necessary in the performance of police duty. (Violation of Section 2.105 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 5

Transporting unauthorized persons in a police vehicle. (Violation of Section 9.123 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 6

Failure to prevent crime, detect and arrest offenders and enforce all criminal laws and penal ordinances. (Violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 7

Misconduct which reflects discredit upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

and

WHEREAS, the Police Commission set Wednesday, June 16, 1982, as the date for the hearing on charges filed against Police Officer Jody J. Moroschok; and

WHEREAS, Chief of Police Cornelius P. Murphy, announced that the Police Department was in receipt of the resignation of Police Officer Jody J. Moroschok, from the San Francisco Police

Department; said resignation effective June 7, 1982, which resignation was accepted with the condition that the services of Police Officer Jody J. Moroschok have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Jody J. Moroschok, be, and the same are hereby continued off calendar.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REQUEST TO APPROVE A CONTRACT TO PROVIDE PROVIDE PROFESSIONAL CONSULTANT SERVICES TO AID IN THE SELECTION, INSTALLATION, AND OPERATION OF A FINGERPRINT COMPUTER SYSTEM WITH APPLIED SYSTEMS TECHNOLOGY, INC.

Captain Eidler appeared on this subject and gave an overview to the Police Commission, assuring that all legal steps to obtain this service had been complied with.

RESOLUTION NO. 518-82

APPROVAL OF CONTRACT WITH APPLIED SYSTEMS TECHNOLOGY, INC., FOR PROFESSIONAL CONSULTANT SERVICES TO AID IN THE SELECTION, INSTALLATION, AND OPERATION OF A FINGERPRINT COMPUTER SYSTEM.

WHEREAS, the Chief desires to secure professional services to aid in the selection, installation and operation of a fingerprint computer system; and

WHEREAS, the Contractor is an established Criminal Justice Systems Consultant; and

WHEREAS, the services for which the Contractor is to be engaged are not such as could adequately be rendered by existing departments of the City; therefore be it

RESOLVED, that the Police Commission of the

City and County of San Francisco does hereby approve the contract with Applied Systems Technology, Inc., to provide professional consultant services relative to the selection, installation and operation of a fingerprint computer system.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

The Commission then adjourned its meeting at 8:30 p.m.



SECRETARY

16 JUNE 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 16, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

SETTING OF DATE FOR HEARING OF SERGEANT
CHARLES E. WARREN, JR., TACTICAL DIVISION

Mr. Stephen Bruce Bley requested a 45 day continuance to allow him to obtain a subpoena to force TV Stations to allow him to view films taken by those stations. He said because I.A.D. viewed films, he feels he should be given this privilege also.

Commissioners Toler moved to continue this matter to July 28th and it was unanimously approved.

RESOLUTION NO. 520-82

SETTING OF DATE FOR HEARING OF SERGEANT CHARLES
E. WARREN, JR., TACTICAL DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Sergeant Charles E. Warren, Jr., Tactical Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Sergeant Charles E. Warren, Jr., that the date for the setting of the hearing before the Police Commission be set for July 28, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Sergeant Charles E. Warren, Jr., is set for Wednes-

day, July 28, 1982 at 5:00 p.m, in Room
551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

HEARING OF POLICE OFFICER MARK E. MINO,
MISSION STATION

The hearing of Police Officer Mark E. Mino,
Mission Station, was called, it having been set
for this date. Police Officer Mark E. Mino was
charged with violating the Rules and Procedures,
as follows:

SPECIFICATION NO. 1

Failure to prevent crime. (Viola-
tion of Section A-2 of General Order
D-1 of the San Francisco Police Depart-
ment.)

SPECIFICATION NO. 2

Failure to obey the lawful orders of
a superior officer. (Violation of
Section A-11 of General Order D-1 of
the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to be respectful to a superior
officer. (Violation of Section A-13
of General Order D-1 of the San Francisco
Police Department.)

SPECIFICATION NO. 4

Failure to answer truthfully and/or with-
out evasion questions propounded. (Vio-
lation of Section A-21 of General Order
D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 5

Failure to make a written report to his
commanding officer. (Violation of Sec-
tion A-26A of General Order D-1 of the
San Francisco Police Department.)

SPECIFICATION NO. 6

Engaging in conduct that tends to subvert the good order, efficiency and discipline of the department. (Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Mark E. Mino appeared in person and was represented by Mr. Charles Breyer, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

Opening statements were made by both the Prosecuting and Defense Attorneys. During the Prosecuting Attorney's opening statement, he requested that Specifications 4 and 5 be withdrawn. The Commission, after deliberation, voted to withdraw Specifications 4 and 5.

AYES: Commissioners Nelder, Toler, Murphy, Sanchez

NAYS: Commissioner Daly

At this time Mr. Charles Breyer entered a plea of guilty to Specifications 1, 2, 3, and 6 on behalf of his client, Officer Mark E. Mino.

The following-named witness appeared for the Prosecution, was sworn and testified:

Sergeant John A. Sterling
Vice Crimes Division

Closing statement was then made by the Defense Attorney.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 521-82

DECISION - HEARING OF POLICE OFFICER MARK
E. MINO, MISSION STATION

WHEREAS, on March 11, 1982, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Mark E. Mino, as follows:

SPECIFICATION NO. 1

- a) At all times herein mentioned, Mark E. Mino was and is a police officer employed by the San Francisco Police Department;
- b) As a police officer, Officer Mino is responsible for knowing and obeying the Rules, Procedures and General Orders of the San Francisco Police Department;
- c) On Sunday, January 10, 1982, while off duty, Officer Mino attended the 49'er-Dallas football game at Candlestick Park in the City and County of San Francisco with off duty Police Officer Robert McMillan, Star #1770;
- d) That although Officer Mino was aware of posted signs prohibiting entry on-to the field after the game, at or about 1730 hours on Sunday, January 10, 1982, Officer Mino climbed over a fence and entered the field, thus violating Section 15 of the San Francisco Park Code which states that:

"No person shall disobey or violate any of the rules or regulations of the Park Commission, governing the use and enjoyment by the public of any park, square, avenue, grounds, or recreation center, or governing the use and enjoyment of any building, structure, equipment, apparatus or appliances thereon, which rules or regulations, at the time, are posted in some conspicuous place in the park, square, avenue, grounds, or recreation center, or in or near the building, structure, equipment, apparatus or appliance to which the rule or regulation applies."

- e) After entering the field, Officer Mino approached Sergeant John Sterling, #98, who was on duty, in his sergeant's uniform, and engaged in assisting Officer Edmund Garcia, Star No. 1362, in effecting an arrest;
- f) As he approached Sergeant Sterling, Officer Mino was shouting profanities at and waving his arms in a threatening manner toward Sergeant Sterling;
- g) As Sergeant Sterling attempted to move Officer Mino away, Sergeant Sterling was struck in the neck by an unknown person;
- h) Officer Mino then knocked Sergeant Sterling to the ground and struck Sergeant Sterling several times in the face causing Sergeant Sterling to sustain a bloody mouth and scratches on his face, thus violating California Penal Code Section 243 which states in pertinent part:

"A battery is punishable by a fine of not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. When it is committed against the person of a peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830 of Title 3 of Part 2 of this code or a fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, the offense shall be punishable by a fine of not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment."

- i) Officer Mino knew or should have known that Sergeant Sterling and Officer Garcia were involved in an arrest;
- j) As a result of Officer Mino's attack on Sergeant Sterling, Officer Garcia was compelled to leave his prisoner and assist Sergeant Sterling, and as a result the prisoner fled;
- k) By his attack on Sergeant Sterling, Officer Mino obstructed Sergeant Sterling and Officer Garcia in the performance of their police

cuties, and thus violated Section 148 of the California Penal Code which states that:

"Every person who willfully resists, delays, or obstructs any public officer, in the discharge or attempt to discharge any duty of his office, when no other punishment is prescribed, is punishable by fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment."

- 1) Officer Robert McMillan was present within close proximity of Officer Mino and accompanying Officer Mino when Officer Mino struck Sergeant Sterling;
- m) Officer McMillan was aware that Officer Mino had no lawful authority to strike Sergeant Sterling but acquiesced in Officer Mino's conduct and as such both officers violated Section 404(a) of the California Penal Code which states that:

"Any use of force or violence, disturbing the public peace, or any threat to use such force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot."

- n) By climbing onto the field, striking Sergeant Sterling, interfering with officers in the performance of their duties, and using unauthorized force together with another, Officer Mino violated Section A-2 of General Order D-1 of the San Francisco Police Department, which states that:

"Officers shall, while off duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

SPECIFICATION NO. 2

- a) Each and every allegation of paragraphs (a) through (m) of Specification No. 1,

are hereby incorporated by reference as though each were fully set forth herein;

- b) After having been attacked by Officer Mino, Sergeant Sterling discovered that Officer Mino was a police officer;
- c) Sergeant Sterling lawfully ordered Officer Mino to leave the field;
- d) After hearing the lawful order to leave the field, Officer Mino remained in the field and shouted obscenities at Sergeant Sterling;
- e) By refusing to comply with the lawful order of Sergeant Sterling, Officer Mino violated Section A-11 of General Order D-1 of the San Francisco Police Department which states that:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

SPECIFICATION NO. 3

- a) Each and every allegation contained in paragraphs (a) through (j) of Specification No. 1 and paragraphs (a) through (e) of Specification No. 2 are hereby incorporated by reference as though each were fully set forth herein;
- b) By shouting obscenities at Sergeant Sterling, by striking Sergeant Sterling, by obstructing the performance of police duties, and by refusal to obey the lawful orders of a superior officer, Officer Mino violated Section A-13 of General Order D-1 of the San Francisco Police Department, which states that:

"Members shall be respectful to superior officers at all time."

*SPECIFICATION NO. 4

- a) Each and every allegation contained in paragraphs (a) through (b) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- b) On Monday, January 25, 1982 at or about 1636 hours, Officer Mino was interviewed by members of the Internal Affairs Bureau;
- c) When questioned regarding the aforementioned incident at Candlestick Park, Officer Mino answered the questions of the investigators in an evasive and/or untruthful manner;
- d) The conduct by Officer Mino in answering the propounded questions in an evasive and/or untruthful manner is a violation of Section A-21 of General Order D-1 of the San Francisco Police Department which states that:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

*SPECIFICATION NO. 4 WITHDRAWN BY THE POLICE COMMISSION.

*SPECIFICATION NO. 5

- a) Each and every allegation contained in paragraphs (a) through (1) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- b) Though a serious crime and/or urgent police matters were involved in the aforementioned incident, Officer Mino failed to submit a written report to his commanding officer;

- c) By failing to submit a written report to his commanding officer, Officer Mino violated Section A-26A of General Order D-1 of the San Francisco Police Department which states that:

"Members shall when off-duty, make a written report to their commanding officer of any serious crime or urgent police matter which is brought to their attention or in which the member becomes involved as a peace officers."

*SPECIFICATION NO. 5 WITHDRAWN BY THE POLICE COMMISSION.

SPECIFICATION NO. 6

- a) Each and every allegation contained in paragraphs
(a) through (1) of Specification No. 1, paragraphs
(a) through (d) of Specification No. 2, paragraphs
(a) through (b) of Specification No. 3, paragraphs
* (a) through (b) of Specification No. 4, paragraphs
* (a) through (b) of Specification No. 5, are hereby incorporated by reference as though each were fully set forth herein;
- b) By his conduct in failing to prevent crime, in failing to obey the lawful orders of a superior officer, in failing to be respectful to a superior officer, *in failing to truthfully and/or without evasion answer questions propounded, *and in failing to submit a written report to his commanding officer, Officer Mino has engaged in un-officerlike conduct which is a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states that:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered un-officerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 16, 1982, and on Wednesday, June 16, 1982 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Mark E. Mino as contained in Specification No. 1, Section A-2, Specification No. 2, Section A-11, Specification No. 3, Section A-13, and Specification No. 6, Section A-9 of Department General Order D-1 of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Mark E. Mino has violated Specification No. 1, Section A-2, Specification No. 2, Section A-11, Specification No. 3, Section A-13, and Specification No. 6, Section A-9 of Department General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer Mark E. Mino has violated Specification No. 1, Section A-2, Specification No. 2, Section A-11, Specification No. 3, Section A-13 and Specification No. 6, Section A-9 of Department General Order D-1 of the San Francisco Police Department and for said violation he shall be suspended from duty for ninety (90) calendar days, thirty (30) of which shall not be imposed, but shall accompany a one year probationary status during which period the Chief of Police will monitor and review, and make recommendations to the Police Commission, to assure all rules of the San Francisco Police Department are complied with; and be it further

RESOLVED, that Police Officer Mark E. Mino, Mission Station, is hereby suspended for sixty (60) calendar days without pay commencing Thursday, June 17, 1982 at 0001 hours and terminating on Sunday, August 15, 1982 at 2400 hours.

Recess taken during the hearing of
Police Officer Mark E. Mino:

1850 hours to 1920 hours.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

(The entire proceedings were taken in shorthand form by Hearing Reporter Linda S. Pransky, C.S.R.)

HEARING OF POLICE OFFICER ROBERT T. MC MILLAN,
POTRERO STATION

The hearing of Police Officer Robert T. McMillan, Potrero Station, was called, it having been set for this date. Police Officer Robert T. McMillan was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Failure to prevent crime. (Violation of Section A-2 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to be respectful to a superior officer. (Violation of Section A-13 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to obey the lawful orders of a superior officer. (Violation of Section A-11 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 4

Failure to answer truthfully and/or without evasion questions propounded. (Violation of Section A-21 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 5

Failure to make a written report to his commanding officer. (Violation of Section A-26A of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 6

Engaging in conduct that tends to subvert the good order, efficiency and discipline of the department. (Violation of Section A-9 of General Order D-1 of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Robert T. McMillan appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

Opening statements were made by both the Prosecuting and Defense Attorneys. During the Prosecuting Attorney's opening statement he requested that Specifications 4 and 5 be withdrawn. The Commission, after deliberation, voted to withdraw Specifications 4 and 5.

AYES: Commissioners Nelder, Toler, Murphy, Sanchez

NAYS: Commissioner Daly

At this time Mr. Stephen Bruce Bley entered a plea of guilty to Specifications 1, 2, 3, and 6 on behalf of his client, Officer Robert T. McMillan.

The following-named witness appeared for the Prosecution, was sworn and testified:

Sergeant John A. Sterling
Vice Crimes Division

Closing statement was then made by the Defense Attorney.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 522-82

DECISION - HEARING OF POLICE OFFICER ROBERT
T. MC MILLAN, POTRERO STATION

WHEREAS, on March 11, 1982, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Robert T. McMillan, as follows;

SPECIFICATION NO. 1

- a) At all times herein mentioned, Robert T. McMillan was and is a police officer employed by the San Francisco Police Department;
- b) As a police officer, Officer McMillan was and is responsible for knowing and obeying the Rules, Procedures, and the General Orders of the San Francisco Police Department;
- c) On Sunday, January 10, 1982, while off duty, Officer McMillan attended the 49'er-Dallas Football game at Candlestick Park in the City and County of San Francisco with off duty officer, Mark E. Mino, Star #697;
- d) That although Officer McMillan was aware of posted signs prohibiting entry onto the field after the game, at or about 1730 hours on Sunday, January 10, 1982, Officer McMillan climbed over a fence and entered the field, thus violating Section 15 of the San Francisco Park Code which states that:

"No person shall disobey or violate any of the rules or regulations of the Park Commission, governing the use and enjoyment by the public of any park, square, avenue, grounds or recreation center, or governing the use and enjoyment of any building, structure, equipment, apparatus or appliances thereon, which rules or regulations, at the time, are posted in some conspicuous place in the park, square, avenue, grounds, or recreation center, or in or near the building, structure, equipment, apparatus or appliance to which the rule or regulation applies."

- e) While on the field and in the company of Officer Mino, Officer McMillan observed Sergeant John Sterling, Star #98, and Officer Edmund Garcia, Star #1362, engaged in an arrest at the south end of the field;
- f) Officer McMillan observed Sergeant Sterling and Officer Garcia attempting to effect an arrest;
- g) Officer McMillan knew or should have known that Sergeant Sterling and Officer Garcia were engaged in the performance of their police duties;
- h) Officer McMillan stood by as Officer Mino struck Sergeant Sterling at which time Officer Garcia was compelled to leave his prisoner (who fled), and assist Sergeant Sterling;
- i) By not restraining Officer Mino, Officer McMillan failed to prevent an interference with officers in the performance of their duties;
- j) Interference is defined by Section 148 of the California Penal Code, which states that:

"Every person who willfully resists, delays, or obstructs any public officer, in the discharge or attempt to discharge any duty of his office, when no other punishment is prescribed, is punishable by fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment."

- k) Officer McMillan was accompanying Officer Mino when Officer Mino struck Sergeant Sterling;
- l) Officer McMillan, though he knew or should have known that Officer Mino's conduct was unlawful, acquiesced in Officer Mino's conduct, thus violating Section 404(a) of the California Penal Code which states that:

"Any use of force or violence, disturbing the public peace, or any threat to use such force or violence, if accompanied

by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot."

- m) By climbing onto the field, by failing to prevent an interference with officers' performance of their duties, and participating in an unlawful use of force, Officer McMillan violated Section A-2 of General Order D-1 of the San Francisco Police Department which states that:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

SPECIFICATION NO. 2

- a) Each and every allegation contained in paragraphs (a) through (l) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- b) As Sergeant Sterling recovered from being struck by Officer Mino, Officer McMillan shouted profanities at Sergeant Sterling;
- c) By shouting profanities at a superior officer, Officer McMillan violated Section A-13 of General Order D-1 of the San Francisco Police Department which states that:

"Member shall be respectful to superior officers at all times."

SPECIFICATION NO. 3

- a) Each and every allegation contained in paragraphs (a) through (l) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- b) After determining that the subject shouting profanities at him was Officer McMillan, and recognizing Officer McMillan as a San

Francisco Police Officer, Sergeant Sterling ordered Officer McMillan off the field;

- c) By failing to obey the lawful orders of a superior officer, Officer McMillan violated Section A-11 of General Order D-1 of the San Francisco Police Department which states that:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

*SPECIFICATION NO. 4

- a) Each and every allegation contained in paragraphs (a) through (b) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- b) On Monday, January 25, 1982, at or about 1536 hours, Officer McMillan was interviewed by members of the Internal Affairs Bureau;
- c) In the course of the interview, Officer McMillan failed to answer some questions truthfully and/or without evasion;
- d) By failing to answer questions truthfully and/or without evasion, Officer McMillan violated Section A-21 of General Order D-1 of the San Francisco Police Department which states that:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

*SPECIFICATION NO. 4 WITHDRAWN BY THE POLICE COMMISSION.

*SPECIFICATION NO. 5

- a) Each and every allegation contained in paragraphs (a) through (1) of Specification No. 1, are hereby incorporated by reference as though each were fully set forth herein;
- b) Though he was aware that a written report to his commanding officer was required by his involvement in the above incident, Officer McMillan failed to submit a written report to his commanding officer;
- c) By failing to submit a written report to his commanding officer, Officer McMillan violated Section A-26A of General Order D-1 of the San Francisco Police Department which states that:

"Members shall when off-duty, make a written report to their commanding officer of any serious crime or urgent police matter which is brought to their attention or in which the member becomes involved as a peace officer."

*SPECIFICATION NO. 5 WITHDRAWN BY THE POLICE COMMISSION.

SPECIFICATION NO. 6

- a) Each and every allegation contained in paragraphs
(a) through (1) of Specification No. 1, paragraphs
(a) through (b) of Specification No. 2, paragraphs
(a) through (c) of Specification No. 3, paragraphs
* (a) through (c) of Specification No. 4, and paragraphs
* (a) through (b) of Specification No. 5, are hereby incorporated by reference as though each were fully set forth herein;
- b) By failing to prevent crime, by being disrespectful to a superior officer, by failing to obey a lawful order of a superior officer, *by failing to answer truthfully and/or without evasion questions propounded, *and by failing to submit a written report to his commanding officer, Officer McMillan has

engaged in unofficerlike conduct which is a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states that:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflect discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 16, 1982, and on Wednesday, June 16, 1982 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Robert T. McMillan, as contained in Specification No. 1, Section A-2, Specification No. 2, Section A-11, Specification No. 3, Section A-13, and Specification No. 6, Section A-9 of Department General Order D-1 of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Robert T. McMillan has violated Specification No. 1, Section A-2, Specification No. 2, Section A-11, Specification No. 3, Section A-13 and Specification No. 6, Section A-9 of Department General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer Robert T. McMillan has violated Specification No. 1, Section A-2, Specification No. 2, Section A-11, Specification No. 3, Section A-13 and Specification No. 6, Section A-9 of Department General Order D-1 of the San Francisco Police Department and for said violation he shall be suspended from duty for ninety (90) calendar days, forty-five (45) of which shall

not be imposed, but shall accompany a one year probationary status during which period the Chief of Police will monitor and review, and make recommendations to the Police Commission, to assure all rules of the San Francisco Police Department are complied with; and be it further

RESOLVED, that Police Officer Robert T. McMillan, Potrero Station, is hereby suspended for forty-five (45) calendar days without pay commencing Thursday, June 17, 1982 at 0001 hours and terminating on Friday, July 31, 1982 at 2400 hours.

Recess taken during the hearing
of Police Officer Robert T.
McMillan:

1850 hours to 1920 hours.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

(The entire proceedings were taken in shorthand form by Hearing Reporter Linda S. Pransky, C.S.R.)

RESOLUTION NO. 523-82

RESETTING OF DATE FOR HEARING OF PATROL SPECIAL
OFFICER RAYMOND A. ADKINS, MISSION POLICE DISTRICT

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Raymond A. Adkins, Mission Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, and Mr. Stephen Bruce Bley, attorney for Patrol Special Officer Raymond A. Adkins, that the date for the hearing before the Police Commission be set for August 11, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Raymond A. Adkins, is set for Wednesday, August 11, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 524-82

RESETTING OF TIME FOR HEARING OF POLICE
OFFICER TEDDY M. QUERUBIN, PARK STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Teddy M. Querubin, Park Station, was called, because of the necessity of rescheduling the time which was originally set at 5:00 p.m., on August 11, 1982; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, and Mr. Stephen Bruce Bley, attorney for Police Officer Teddy M. Querubin, that the date for the hearing before the Police Commission be set for August 11, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Teddy M. Querubin, is set for Wednesday, August 11, 1982 at 4:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

CHIEF'S WRITTEN REPORT (BINDERS ONLY)

Noted.

The Commission then adjourned its meeting at 7:25 p.m.



SECRETARY

23 JUNE 1982

MEET AND CONFER

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 23, 1982 at 1600 hours in Meet and Confer Session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

DOCUMENTS DEPT.

Commissioner Murphy presiding.

JUL 27 1982

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1. FTO Sick Leave
2. Internal Affairs Bureau Interviews - Sworn Members.

This Meet and Confer Meeting was cancelled because no representatives of the Police Officers' Association appeared.

23 JUNE 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 23, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

Commissioner Murphy presiding.

RESOLUTION NO. 525-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
WILLIE J. CUNNINGHAM, NORTHERN POLICE STATION

WHEREAS, the date to be set for the disci-

plinary hearing of Police Officer Willie J. Cunningham, Northern Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, attorney for Police Officer Willie J. Cunningham, that the date for the hearing before the Police Commission be set for September 8, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Willie J. Cunningham, is set for Wednesday, September 8, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 554-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
STEPHEN N. BOSSHARD, VICE CRIMES DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Stephen N. Bosshard, Vice Crimes Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mrs. Janice Musante, attorney for Police Officer Stephen N. Bosshard, that the date for the hearing before the Police Commission be set for September 16, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Stephen N. Bosshard, is set for Thursday, September 16, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 548-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER
PETER KOZEL, MUNI TRANSIT POLICE DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Peter Kozel, Muni Transit Police Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. John Prentice, attorney for Police Officer Peter Kozel, that the date for the setting of the hearing before the Police Commission is set for July 7, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Peter Kozel, is set for Wednesday, July 7, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

The Commissioners having received, amended and returned copies of the minutes of the meetings of May 12, 1982, May 19, 1982 and May 26, 1982, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

3155 ARMY STREET - IGLECIA DE DIOS (CHURCH OF GOD)

- a) At 3155 Army Street, install a 25' white zone, extending from east property line 25' west of same.

291-10th STREET - D.A. FAMILY SUPPORT BUREAU

- a) At 291-10th Street, install a 22' blue zone, extending from 19' to 41' south of the north property line.
- b) Remove meter #10S253.

2500 POLK STREET - THE FLOWER FARM

- a) At 2500 Polk Street, install a 22' green zone, extending from 6' to 28' north of the south property line.

398 HAYES STREET - IVEY'S RESTAURANT & BAR

- a) At 398 Hayes Street, install a 22' white zone, extending from the west property line of 398 Hayes Street.

1301 VAN NESS AVENUE - BUDGET RENT A CAR

- a) At 1301 Van Ness Avenue, install a 22' white zone, extending from south property line 22' north of same.
- b) Remove meter #VAN 1301.

396-2nd AVENUE - MAD HATTER RESTAURANT

- a) At 396-2nd Avenue, install a 22' STLZ zone, extending from 15' to 37' north of south property line. 7A.M. - 11 A.M. sign to be installed on Meter 2AVE 396.

1353-7th AVENUE - PARK SUNSET HOUSING CORP.

- a) At 1353-7th Avenue, install a 22' white zone, extending from 4' to 26' south of the north property line.

- b) Also paint 2' red each side of driveway.

3177-17th STREET - GORDON MACKENZIE WAREHOUSE

- a) At 3177-17th Street, install a 20' yellow zone, extending from east property line 20' west of same.
- b) At 3177-17th Street, install a 28' yellow zone, extending from west property line 28' east of same.

298-30th STREET - CHURCH PRODUCE

- a) At 298-30th Street, install a 22' green zone, extending from 6' to 28' west of the east property line of 1798 Church Street.

439 POWELL STREET - SEARS FINE FOODS

- a) At 439 Powell Street, revoke existing 44' white zone, extending from south building line of 439 Powell Street 44' north of same.
- b) Replace with 44' STLZ extending from south building line of 439 Powell Street 44' north of same. 7 A.M. - 1 P.M.

200 PAGE STREET - GROCERY STORE - S.F.P.D.

- a) At 200 Page Street, install a 27' yellow zone, extending from 6' to 33' west of Octavia Street.

1098 SOUTH VAN NESS AVENUE - DRISCOLLS MORTUARY CHAPEL

- a) At 1098 South Van Ness Avenue, revoke existing 36' red zone, extending from 15' to 51' north of the south property line.

1919 SACRAMENTO STREET - S.F.P.D. - REVOKED

- a) At 1919 Sacramento Street, revoke existing 45' white zone, extending 45' west of the east property line.

2550 SACRAMENTO STREET - S.F.P.D. - REVOKED

- a) At 2550 Sacramento Street, revoke existing 18' green zone, extending from 1' east to 17' west of the east property line.

142-9th STREET - S.F.P.D. - REVOKED

- a) At 142-9th Street, revoke existing 40' yellow zone, extending 40' south of P.M. stall in front of #140.

1207 HOWARD STREET - MAGIC MUSIC MACHINES - REVOKED

- a) At 1207 Howard Street, revoke existing 40' yellow zone, extending from the west property line 40' east of same.
- b) Request parking meters to be installed.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 223 feet of red, white, green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

Claim against the City and County of San Francisco of Gary Holt in the amount of \$27,500.00 was continued to July 7, 1982.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 526-82

CALIFORNIA STATE AUTOMOBILE
ASSOCIATION AND LEO STEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association and Leo Stein against the City and County of San Francisco in the sum of \$778.78 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 1, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 527-82

JOSEPH G. JUE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph G. Jue against the City and County of San Francisco in the sum of \$1,450.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 20, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 528-82

SUZANNE JENKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of

Suzanne Jenkins against the City and County of San Francisco in the sum of \$515.81 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 24, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 529-82

JOHN W. BUMANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John W. Bumann against the City and County of San Francisco in the sum of \$383.90 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 18, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 530-82

ALBERT C. PIERONI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albert C. Pieroni against the City and County of San Francisco in the sum of \$173.15 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 12, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 531-82

JACK R. DERIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack R. Derian against the City and County of San Francisco in the sum of \$267.93, as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 4, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 532-82

CHARLES MERRILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Merrill against the City and County of San Francisco in the sum of \$250.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 9, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 533-82

FORTUNATO GOLD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fortunado Gold against the City and County of San Francisco in the sum of \$66.00 as the result

of a faulty tow, be, and the same is hereby approved.

Date of Incident: May, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 534-82

CHRISTOPHER BORGESON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher Borgeson against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 5, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 535-82

RON LAZAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ron Lazar against the City and County of San Francisco in the sum of \$24.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 536-82

BEAT LEIMBACHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beat Leimbacher against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 19, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 537-82

JOSE M. PREZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose M. Preza against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 3, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 538-82

ABC TOWING & STORAGE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the ABC Towing and Storage Company against the City and County of San Francisco in the sum of

\$77.60 as the result of a faulty tow, be,
and the same is hereby approved.

Date of Incident: May, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 539-82

MARY C. SNYDER

RESOLVED, that the recommendation of
the City Attorney for settlement of the claim
of Mary C. Snyder against the City and County
of San Francisco in the sum of \$40.00 as the
result of a faulty tow, be, and the same is
hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 540-82

STUART JOHNSON

RESOLVED, that the recommendation of the
City Attorney for settlement of the claim of
Stuart Johnson against the City and County of
San Francisco in the sum of \$50.00 as the re-
sult of a faulty tow, be, and the same is here-
by approved.

Date of Incident: May 10, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 541-82

ABC TOWING & STORAGE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the ABC Towing & Storage Company against the City and County of San Francisco in the sum of \$59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 542-82

VIRGINIA G. FRAIRE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Virginia G. Fraire against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 30, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 543-82

ELAINE WIZER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elaine Wizer against the City and County of San

Francisco in the sum of \$48.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 3, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 544-82

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sergeant Robert) \$130.00	(P.O.S.T. Team Build-
Berry)	(ing Workshop, Santa
Field Operations)	(Cruz, California,
Traffic Division)	(June 2, 1982 to June
	(4, 1982.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 545-82

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Officer Paul Seidler) \$950.00	(3rd Annual Train-
Community Services)	(ing Conference of
Unit)	(the National Asso-
	(ciation of Police

(Community Relations
(Officers (NARCRO),
(Gary, Indiana, May
(16, 1982 to May 19,
(1982.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 546-82

AUTHORIZING ATTENDANCE OF FATHER JOHN P. HEANEY,
POLICE CHAPLAIN FOR THE SAN FRANCISCO POLICE
DEPARTMENT, AT THE INTERNATIONAL CONFERENCE OF
POLICE CHAPLAINS ANNUAL TRAINING SEMINAR IN TOR-
ONTO, CANADA, FROM JULY 12, 1982 TO JULY 16, 1982.

RESOLVED, that the recommendation of the
Chief of Police that Father John P. Heaney, Police
Chaplain for the San Francisco Police Department,
be detailed to attend the International Confer-
ence of Police Chaplains Annual Training Seminar,
in Toronto, Canada, from July 12, 1982 to July 16,
1982, be, and the same is hereby approved; and
be it further

RESOLVED, that expenses incurred by Father
Heaney in a sum not to exceed \$915.00, will be
defrayed by the San Francisco Police Department's
Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 547-82

AUTHORIZING ATTENDANCE OF INSPECTOR HERMAN W.
CLARK, HOMICIDE DETAIL AT THE FEDERAL BUREAU OF
INVESTIGATION NATIONAL ACADEMY, IN QUANTICO, VIR-
GINIA, FROM JULY 11, 1982 TO SEPTEMBER 24, 1982.

RESOLVED, that the recommendation of the
Chief of Police that Inspector Herman W. Clark,
Homicide Detail, be detailed to attend the Federal
Bureau of Investigation National Academy in Quan-
tico, Virginia, from July 11, 1982 to September 24,
1982, be, and the same is hereby approved; and be

it further

RESOLVED, that expenses incurred by Inspector Herman W. Clark, for the purchase of required training materials and to supplement the minimal allowance for subsistence be advanced \$800.00 from the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

a) Traffic Officer of the Month Award

Sergeant Epperly introduced Officer Patrick Tobin. In Spetember 1980 went from the FTO to Company A., 3 years F.B.I., on March he completed 12 investigations, 32 arrests, 91 citations. Year to date, March 30, 46 investigations, 63 arrests, 264 citations.

Mr. Rob Attab from the San Francisco Chamber of Commerce, made the presentation of a Plaque, also in the precinct a plaque will be placed with Officer Tobin's name. He was also presented with a trip for two to Monterey for two nights, including meals at the Double Tree Inn.

REQUEST OF THE CHIEF OF POLICE FOR ADOPTION OF A RESOLUTION DECLARING THE ENTIRE CITY TO BE ONE ZONE IN WHICH BAYVIEW TOWING AND STORAGE AND ABC TOWING MAY OPERATE. - CONTINUED TO JULY 7, 1982

Commander D'Arcy said the official City Attorney's Opinion is not ready. However, Mr. Phil Ward, Deputy City Attorney, appeared and said the City Attorney was not in a position at this time to advise the Commission on this matter.

The Commission continued this matter to July 7, 1982 after the Commission directed to him specific questions regarding this matter.

POLICE COMMISSION REPORT

Commissioner Daly made a statement regarding Commission policy on the Gay population and read the resolution into the record.

RESOLUTION NO. 555-82

RESOLUTION OF THE SAN FRANCISCO POLICE COMMISSION RELATIVE TO RECRUITMENT OF LESBIAN AND GAY OFFICERS

WHEREAS, a policy of non-discrimination based on sexual orientation was clearly established by this Commission on November 26, 1981 and issued in Information Bulletin No. 10-81; and

WHEREAS, a sizeable portion of the adult population of San Francisco is made up of lesbian and gay citizens; and

WHEREAS, there is a need for sensitivity on the part of the police toward these citizens; and

WHEREAS, it is important for a police force to reflect as closely as possible the general population that it serves; therefore be it

RESOLVED, that this Police Commission directs the San Francisco Police Department to develop a positive recruitment effort through continuous outreach to and in cooperation with the lesbian and gay community.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

- a) Should the Institutional Police of the Laguna Honda and San Francisco General Hospital be granted peace officer status?

Captain Trueb of the Legal Office, advised the Commission on this matter and said several meetings with these officers and other administrators was held. Problems: 400 hours POST, salary pro-

blems, and the Legal Office is not convinced that peace officer power should be conferred. We should reserve authority appointment by the Chief, but would still require 200 hours from POST. He recommends looking into other methods 830.7 of Penal Code.

Mr. Tom Griffin, Associate Administrator at San Francisco General Hospital, said he concurred with the Legal Office of the Police Department. He said he does not believe they are ready for total peace officer powers, but they are looking for something to upgrade institutional police.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Nelder, Chairman of the June 18, 1982 Awards Committee Meeting, recommended the upgrading of Officer James T. Deely to one (1) months salary. He also recommended the remaining members for approval.

A date of July 21, 1982 was set for presentation of these awards.

RESOLUTION NO. 549-82

RECOMMENDATIONS OF THE AWARDS COMMITTEE-APPROVED

RESOLVED, that the following-named members of the Police Department, be, and they are hereby granted Awards of Valor - Gold Medal, Silver Medal, Bronze Medal and Meritorious Conduct Awards, under the provisions of Sections 5.119 and 5.120 of the Rules and Procedures of the San Francisco Police Department, as approved by the Awards Committee on Friday, June 18, 1982:

Police Officer Richard W.
Barber.....Gold Medal of Valor

Police Officer James T.
Deely.....Gold Medal of Valor

Police Officer Gerard M.
Neybert.....Gold Medal of Valor

Police Officer James R. Seim. Gold Medal of Valor

Police Officer John L.
Sheveland.....Gold Medal of Valor

Police Officer Michael F.
Stasko.....Gold Medal of Valor

Police Officer William S.
Taylor.....Gold Medal of Valor

Sergeant Ronnie E. Rhoades...Silver Medal of Valor

Police Officer Sylvia V.
David.....Silver Medal of Valor

Police Officer William J.
McGee.....Silver Medal of Valor

Police Officer Michael R.
Morris.....Silver Medal of Valor

Police Officer Lloyd A.
Ritter.....Silver Medal of Valor

Police Officer David R.
Robinson.....Silver Medal of Valor

Police Officer Edward J.
Weaver.....Silver Medal of Valor

Police Officer Michael A.
Williams.....Silver Medal of Valor

Police Officer John W.
Bourne.....Bronze Medal of Valor

Police Officer William J.
Coggan.....Bronze Medal of Valor

Police Officer Gerald C.
D'Arcy.....Bronze Medal of Valor

Police Officer Anthony J.
Fotinos.....Bronze Medal of Valor

Police Officer Bruce E.
Gendron.....Bronze Medal of Valor

Police Officer James S.
Gervasi.....Bronze Medal of Valor

Police Officer Michael D.
Lee.....Bronze Medal of Valor

Police Officer Robert T.
McMillan.....Bronze Medal of Valor

Police Officer John C.
Payne.....Bronze Medal of Valor

Police Officer Timothy Quan..Bronze Medal of Valor

Police Officer David R.
Robinson.....Bronze Medal of Valor

Police Officer Peter J.
Siragusa.....Bronze Medal of Valor

Sergeant Ross H.
Spinner.....Bronze Medal of Valor

Police Officer Paul T.
Swiatko.....Bronze Medal of Valor

Sergeant Richard R.
Weick.....Bronze Medal of Valor

Police Officer William J.
Coggan.....Meritorious Conduct
Award

Police Officer Robert T.
McMillan.....Meritorious Conduct
Award

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 550-82

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Sections 5.119 and 5.120 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission on Wednesday, June 23, 1982; and

WHEREAS, Chief of Police Cornelius P. Murphy, has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer James T. Deely, be, and he is hereby awarded a Gold Medal of Valor and granted a reward of one month's salary as provided for under said section of the Charter; and be it further

RESOLVED, that Police Officer Richard W. Barber, Police Officer Gerard M. Neybert, Police Officer James R. Seim, Police Officer John L. Sheveland, Police Officer Michael F. Stasko and Police Officer William S. Taylor, be, and they are hereby awarded Gold Medals of Valor and granted a reward of \$200.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeant Ronnie E. Rhoades, Police Officer Sylvia V. David, Police Officer William J. McGee, Police Officer Michael R. Morris, Police Officer Lloyd A. Ritter, Police Officer David R. Robinson, Police Officer Edward J. Weaver, and Police Officer Michael A. Williams, be, and they are hereby awarded Silver Medals of Valor and granted a reward of \$100.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Police Officer John W. Bourne, Police Officer William J. Coggan, Police Officer Gerald C. D'Arcy, Police Officer Anthony J. Fotinos, Police Officer Bruce E. Gendron, Police Officer James S. Gervasi, Police Officer Michael D. Lee, Police Officer Robert T. McMillan, Police Officer John C. Payne, Police Officer Timothy Quan, Police Officer David R. Robinson, Police Officer Peter J. Siragusa, Sergeant Ross H. Spinner, Police Officer Paul T. Swiako, and Sergeant Richard R. Weick, be, and they are hereby awarded Bronze Medals of Valor, and granted a reward of \$50.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Police Officer William J. Coggan and Police Officer Robert T. McMillan, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of \$50.00 each, as provided for under said section of the Charter.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE TO AMEND
PROPOSED SECONDARY EMPLOYMENT GENERAL ORDER T-1

Deputy Chief Shannon recommended and submitted a written draft amendment to this order thusly it would be under IV in the General Order.

RESOLUTION NO. 551-82

DEPARTMENT GENERAL ORDER T-1 - SECONDARY EMPLOYMENT - APPROVED

RESOLVED, that the Police Commission hereby

adopts Department General Order T-1, Secondary Employment, which consolidates present departmental policies and procedures in one document with III. A. 9. deleted for a period of six months for review by the Police Commission.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

"DRAFT

TEMPORARY SECONDARY EMPLOYMENT

Temporary Secondary Employment is defined as secondary employment of not more than five (5) days in any thirty (30) day period and which is not of a continuous nature.

A member wishing to perform temporary secondary employment need only submit a Request for Secondary Employment form SFPD-156, in duplicate, to his Commanding Officer for approval with a memo describing the temporary nature of the employment. This request, when approved by the member's Commanding Officer, shall be forwarded through channels to be filed in the member's personnel folder and in the Personnel Bureau's Secondary Employment file. The Request for Secondary Employment shall contain the beginning, the ending dates of the temporary secondary employment. A second request for temporary secondary employment within thirty (30) days will be denied unless also approved by the Deputy Chief of the Bureau involved.

All other provisions of General Order T-1 shall be applicable in temporary secondary employment."

AMENDING PART II, CHAPTER VIII, ARTICLE 4, OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY DELETING EXISTING SECTIONS 366 THROUGH 373 AND SECTION 378 AND ADDING SECTIONS 366 THROUGH 380, RELATING TO THE ISSUANCE OF PERMITS FOR PARADES.

Deputy Chief Ryan presented this item and gave the Commission an overview. He said the existing order would not stand a constitutional challenge. No application process, no appeal process and second purpose of the new ordinance would be to bring the department into the 20th century as far as parades are concerned.

He said it would be beneficial to the tax payers and he said he would recommend approval and forwarding to the Board of Supervisors for

their approval and adoption.

Commissioner Murphy recommended that it be taken back and in conjunction with the City Attorney and answer #1: - What are the Chief's powers in exempting certain groups from fees; and #2 - What is the appeal process and its directional flow therein. Also - if crime rate increases in neighborhoods when officers are called away for large parades.

It was later determined, after further discussion, that the matter be continued until certain matters are ironed out with specific questions answered and then brought back to the Commission by Deputy Chief Ryan when it is ready.

PERMISSION IS REQUESTED BY PATROL SPECIAL OFFICER WILLIAM CAVE TO SELL HIS PATROL SPECIAL OFFICER BEAT #42 TO ASSISTANT PATROL SPECIAL OFFICER JOSE GARCIA - AND - PERMISSION IS REQUESTED BY PATROL SPECIAL OFFICER ROBERT HART TO SELL HIS PATROL SPECIAL OFFICER BEAT #51 TO PATROL SPECIAL OFFICER WILLIAM CAVE. - CONTINUED FOR TWO (2) WEEKS.

Mr. Jerry Akins, Legal Office, appeared on these items and stated the revelant problems inherent in this request. POST requirements, i.e., 400 hours of training.

Mr. J. William Conroy, attorney representing Mr. Cave, spoke to the issue. He said POST a few years ago said San Francisco Police Department Officers were not qualified. He said agreement with POST was 48 hours training course and given 18 months to comply.

He said the Captains went through the course.

Motion was made by Commissioner Daly to have a City Attorney's Opinion before the Commission on July 7, 1982, and also have Mr. Killelea present.

RECEIPT OF DEPARTMENT GENERAL ORDER NO. I-11,
VEHICLE COLLISION VICTIM IDENTIFICATION.
(COPIES ENT TO EMPLOYEE ORGANIZATIONS). - CONTINUED TO JULY 7, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 552-82

DEPARTMENT GENERAL ORDER NO. P-1, TRANSFER
POLICY AND PROCEDURE - APPROVED

RESOLVED, that the Police Commission hereby adopts Department General Order P-1, Transfer Policy and Procedure as revised.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL ORDER NO. P-7, REGARDING COUNSELING OF MEMBERS BY COMMANDING OFFICERS. (CONTINUED FROM THE MEETING OF JUNE 9, 1982) - CONTINUED FOR TWO (2) WEEKS.

Deputy Chief Shannon needed more time for a Meet and Confer with the Police Officers' Association and asked for two (2) weeks continuance. He said if further time was needed he would advise Lieutenant Frazier prior to the two week period and request an additional two weeks.

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL ORDER REGARDING DISCIPLINE PROCESS. (CONTINUED FROM THE MEETING OF JUNE 9, 1982). - TABLED.

Deputy Chief Shannon requested tabling this matter until the City Attorney's Opinion is received.

Commissioner Murphy pointed out the word "trial" should be changed to "hearing."

This was also noted in item #17, General Order P-7. Regarding Counseling of Members by Commanding Officers.

IN ACCORDANCE WITH GENERAL ORDER D-1, SECTION A-8, A HEARING IS REQUESTED BEFORE THE POLICE COMMISSION REGARDING THE TWO TIER TRAINING PRO-

GRAM PROPOSED BY THE DEPARTMENT'S CONSENT
DECREE UNIT FOR TRAINING MEMBERS IN PREPARA-
TION FOR THE LIEUTENANT'S EXAMINATION. (CON-
TINUED FROM THE MEETING OF JUNE 9, 1982). -
CONTINUED OFF CALENDAR.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 553-82

REQUEST OF MR. MENDEL MILSTEIN TO SUSPEND
OPERATION OF HIS JITNEY BUS PERMIT FROM JUNE
27, 1982 TO SEPTEMBER 24, 1982 - APPROVED

WHEREAS, Mr. Mendel Milstein has requested
that permission be granted to suspend operation
of his Motor Vehicle for Hire Permit from June
27, 1982 to September 24, 1982; and

WHEREAS, Mr. Milstein did not appear in
person and was not represented by counsel;
therefore be it

RESOLVED, that it is the order of the Police
Commission that the request of Mr. Mendel Milstein
for permission to suspend operation of his Motor
Vehicle for Hire Permit from June 27, 1982 to
September 24, 1982, be, and the same is hereby
approved.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

The Commission then adjourned its meeting
at 8:05 p.m.



- SECRETARY

30 JUNE 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco did not hold a meeting on this date.

SECRETARY

DOCUMENTS DEPT.

JUN 27 1982

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7 JULY 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 7, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

Commissioner Sanchez presiding.

DOCUMENTS DEPT.

AUG 6 1982

RESOLUTION NO. 583-82

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SETTING OF DATE FOR HEARING OF POLICE OFFICER
PETER KOZEL, MUNI TRANSIT POLICE DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Peter Kozel, Muni Transit Police Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. John Prentice, attorney for Police Officer Peter Kozel, that the date for the hearing before the Police Commission be set for October 6, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Peter Kozel, is set for Wednesday, October 6, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 584-82

RECRUIT OFFICER EDWARD W. CALVILLO, MISSION
POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Recruit Officer Edward W. Calvillo, Mission Police Station, as follows:

DOCUMENT 0117

1910-1911

1910-1911

SPECIFICATION NO. 1

Discharging a firearm from a moving vehicle without justification. (Violation of Rule C-2 of General Order F-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department. (Violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.)

RESOLVED, that the date for the hearing of the disciplinary charges filed against Recruit Officer Edward W. Calvillo, Mission Police Station, is set for Wednesday, October 6, 1982 at 4:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Commissioner Murphy made a motion to cancel zone request at 50 Grant Avenue and reduce 84 foot green zone request at 298 Potrero Street to 44 feet of green zone.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

541 SAN JUAN - ROXIE MARKET

a) At 541 San Juan, install a 22' green zone,

extending from west property line of
1901 San Jose 22' east of San Juan.

298 POTRERO STREET - A.B.C. TOWING

- a) At 298 Potrero Street, install a 44' green zone, extending from the north end of the driveway of 298 Potrero Street 44' north of same.

50 GRANT AVENUE - DEPARTMENT STORE - CANCELLED

- a) At 50 Grant Avenue, install a 24' white zone, extending from 49' to 73' south of north property line. CANCELLED.
- b) At 50 Grant Avenue, install a 60' yellow STLZ extending from 95' to 155' south of north property line. CANCELLED.
- c) At 50 Grant Avenue, install a 20' white zone, extending from 155' to 175' south of north property line. CANCELLED.

4430 CALIFORNIA STREET - ASTA FASHIONS

- a) At 4430 California Street, install a 22' green zone, extending from east property line 22' west of same.

975 BRYANT STREET - S.F. GALLERIES

- a) At 975 Bryant Street, install a 32' green zone, extending from 6' to 38' east of west property line.

497 POST STREET - UNITED CHURCH OF CHRIST

- a) At 497 Post Street, install a 40' yellow zone, extending from Mason Street 40' east of same.

2455 MASON STREET - DEL MONTE FROZEN GOODS -
REVOKED

- a) At 2455 Mason Street, revoke existing 58' yellow zone, extending from 88' to 146' south of North Point.

- b) At 2455 Mason Street, revoke existing 58' green zone, extending from 30' to 88' south of North Point.

2000-16th STREET - BENNETT METAL POLISHING - REVOKED

- a) At 2000-16th Street, revoke existing 27' yellow zone, extending from 12' to 39' east of west building line.

2700 PINE STREET - S.F.P.D. - REVOKED

- a) At 2700 Pine Street, revoke existing 40' green zone, extending from 9' to 49' west of Divisadero Street.

3296-17th STREET - S.F.P.D. - REVOKED

- a) At 3296-17th Street, revoke existing 40' yellow zone, extending from 3' west of driveway.

1200 LARKIN STREET - S.F.P.D. - REVOKED

- a) At 1200 Larkin Street, revoke existing 21' green zone, extending from 9' to 30' south of north building line.

1200 LARKIN STREET - S.F.P.D. - REVOKED

- a) At 1200 Larkin Street, revoke existing 22' green zone, extending between the driveways to the shop.

1200 LARKIN STREET - S.F.P.D. - REVOKED

- a) At 1200 Larkin Street, revoke existing 21' green zone, extending from 3' to 24' north of Bush Street.

1201-1209 HOWARD STREET - S.F.P.D. - REVOKED

- a) At 1201-1209 Howard Street, revoke existing 77' yellow zone, extending from 20' to 97' west of 8th Street.

246 JUDAH STREET - S.F.P.D. - REVOKED

- a) At 246 Judah Street, revoke existing 36' green zone, extending from 5' east of 8th Avenue to 41' east of 8th Avenue.

1299-12th AVENUE - S.F.P.D. - REVOKED

- a) At 1299-12th Avenue, revoke existing 18' green zone, extending from 3' north of Irving to 22' north of Irving Street.

3132 LAGUNA STREET - KALMAN CO. - DENIED.

- a) At 3132 Laguna Street, install a 21' white zone, extending from the south property line 21' north of same. DENIED.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 418 feet of green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 556-82

GARY HOLT

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Gary Holt in the sum of \$27,500.00 in Superior Court Action No. 762-399 entitled, "Gary Holt vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 22, 1979

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 557-82

JAMES H. MORGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James H. Morgan against the City and County of San Francisco in the sum of \$884.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 13, 1981

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 558-82

EUGENE F. HENRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eugene F. Henry against the City and County of San Francisco in the sum of \$1,066.38 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 24, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 559-82

STEVEN B. GLATT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven B. Glatt against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 16, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 560-82

LAURA ANN WORTHEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura Ann Worthen against the City and County of San Francisco in the sum of \$92.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 5, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 561-82

MARK LEDER-ADAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Leder-Adams against the City and County of San Francisco in the sum of \$59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 562-82

PAUL F. GAISER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul F. Gaiser against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 563-82

DOUGLAS G. EASTWOOD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas G. Eastwood against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 564-82

ANNE SMART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne Smart against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 565-82

JUDITH MOSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith Moss against the City and County of San Francisco in the sum of \$15.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 30, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 566-82

JUDITH A. CASCEGNO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith A. Cascegno against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 567-82

KARIM E. ISAAC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karim E. Isaac against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 27, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 568-82

ABC TOWING & STORAGE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the ABC Towing & Storage Company against the City and County of San Francisco in the sum of \$378.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 1, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 569-82

BILL AALBERSBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bill Aalbersberg against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 26, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 570-82

THOMAS L. UTTS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas L. Utts against the City and County of San Francisco in the sum of \$120.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 571-82

LISA NANKIVIL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa Nankivil against the City and County of San Francisco in the sum of \$65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1982 to March
9, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 572-82

SOUTHERN CALIFORNIA SAVINGS
& LOAN ASSOCIATION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Southern California Savings & Loan Association against the City and County of San Francisco in the sum of \$1,300.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 19, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION ON. 573-82

VICTORIA MEWS HOMEOWNERS
ASSOCIATION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Victoria Mews Homeowners Association against the City and County of San Francisco in the sum of \$160.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 11, 1981

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 574-82

JANET L. WATSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janet L. Watson against the City and County of San Francisco in the sum of \$150.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 575-82

MARIE CLARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marie Clark against the City and County of San Francisco in the sum of \$2,100.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 2, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 576-82

CALIFORNIA STATE AUTOMOBILE
ASSOCIATION & DAVID FAZZIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association and David Fazzio against the City and County of San Francisco in the sum of \$566.45 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 23, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 577-82

MIKE VANDEVOIR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mike Vandevair against the City and County of San Francisco in the sum of \$350.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 24, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 578-82

CALIFORNIA CASUALTY AND
EVELYN MIRAULT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California Casualty Company and Evelyn Mirault against the City and County of San Francisco in the sum of \$201.88 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 12, 1981

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 579-82

CONTINENTAL INSURANCE COMPANY
AND CAROLYN POWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Continental Insurance Company and Carolyn Powell against the City and County of San Francisco in the sum of \$213.37 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 580-82

IVORY J. VALMORE

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Ivory J. Valmore in the sum of \$7,233.95 in Superior Court Action No. 768-951 entitled "Ivory J. Valmore vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 2, 1980

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 581-82

BETTY JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Betty Johnson in the sum of \$1,700.00 in Superior Court Action No. 775-794 entitled, "Betty Johnson vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 30, 1980

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 582-82

ERICH E. SUTTER

RESOVLED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 399-645 against the City and County of San Francisco in the sum of \$40.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 9, 1981

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

POLICE COMMISSION REPORT

The Commission reported that it had met in Executive Session at 1630 hours and voted approval of the claim of Carl Holt in the sum of \$27,500.00.

Commissioner Daly commended the police department for their excellence in cooperation with the handling of the Gay Freedom Day Parade. She said it was a pleasurable experience for all concerned and she thanked the Chief for this.

Commissioner Nelder expressed great sadness at the shooting of Sergeant John Macauley.

Recognition of Sergeant Macauley's bravery by the Commission President after which the Commission President called for three (3) minutes of silence and thereafter asked for a report from the Chief on the incident.

Chief Murphy reported on the incident and the condition of Sergeant Macauley and his family. He stated that Sergeant Macauley's condition was extremely critical and that the next 24 to 36 hours would determine the Sergeant's chances for survival.

CHIEF'S REPORT TO THE POLICE COMMISSION

- a) Senior Escort-Outreach Program - accepting funds.

Lieutenant Jordan addressed the Commission on the Senior Escort-Outreach Program, asking for acceptance of the funding.

Mr. Phil Cannister also spoke saying he was the author of the proposal and asked for approval.

Chief Murphy said he felt that the people of this program should seek outside funding and that he would not support it in its request for city funds.

Mr. Mark Forrester in response to what the Chief said, said they knew there would be cuts in the program and if this did occur, a substantial amount of services to seniors would be eliminated.

After further discussion, Commissioner Nelder moved for a two (2) weeks continuance, it was seconded and unanimously approved.

PRESENTATION OF AWARD TO SERGEANT LAYNE AMOIT, CAPTAIN OF THE POLICE DEPARTMENT SOFTBALL TEAM, FROM CAPTAIN OSBORNE, BASE LIEUTENANT COMMANDER, U.S. NAVY, TREASURE ISLAND. - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REQUEST OF THE CHIEF OF POLICE FOR ADOPTION OF A RESOLUTION DECLARING THE ENTIRE CITY TO BE ONE ZONE IN WHICH BAYVIEW TOWING AND STORAGE AND ABC TOWING MAY OPERATE. -(CONTINUED FROM THE MEETING OF JUNE 23, 1982) - CONTINUED FOR TWO (2) WEEKS PENDING CITY ATTORNEY OPINION.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

PERMISSION IS REQUESTED BY PATROL SPECIAL OFFICER WILLIAM CAVE, TO SELL HIS PATROL SPECIAL OFFICER BEAT #42 TO ASSISTANT PATROL SPECIAL OFFICER JOSE GARCIA.

Mr. Michael Killelea of the City Attorney's Office, said he did not see any problem in the sale of the beats as long as the parties know of pending changes.

RESOLUTION NO. 585-82

PATROL SPECIAL OFFICER WILLIAM CAVE - REVOKED

RESOLVED, that the appointment of Patrol Special Officer William Cave, Beat No. 42, Park Police District, be, and the same is hereby revoked effective July 7, 1982, he having sold his beat to Assistant Patrol Special Officer Jose Garcia.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 586-82

PATROL SPECIAL OFFICER JOSE GARCIA - APPROVED

RESOLVED, that Patrol Special Officer Jose Garcia is hereby appointed a Patrol Special Officer for Beat No. 42, Park Police District; said appointment effective July 7, 1982, Assistant Patrol Special Officer Jose Garcia having purchased Beat No. 42, from Patrol Special Officer William Cave.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 587-82

PATROL SPECIAL OFFICER ROBERT HART - REVOKED

RESOLVED, that the appointment of Patrol Special Officer Robert Hart, Beat No. 51, Central Police District, be, and the same is hereby revoked effective July 7, 1982, he having sold his beat to Patrol Special Officer William Cave.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 588-82

PATROL SPECIAL OFFICER WILLIAM CAVE - APPROVED

RESOLVED, that Patrol Special Officer William Cave is hereby appointed a Patrol Special Officer for Beat No. 51, Central Police District; said appointment effective July 7, 1982, Patrol Special Officer William Cave having purchased Beat No. 51, from Patrol Special Officer Robert Hart.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

REQUEST FOR APPROVAL OF PROPOSED AMENDMENT TO
THE SICK LEAVE RULES REQUIRING FIRST DAY MEDICAL
CERTIFICATE FOR FIELD TRAINING OFFICER PROGRAM
PROBATIONARY OFFICERS. - APPROVED.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RECEIPT OF DEPARTMENT GENERAL ORDER R-1 PERTAIN-
ING TO VEHICLE ACCIDENTS INVOLVING MEMBERS. (COPIES
SENT TO EMPLOYEE ORGANIZATIONS) - CONTINUED FOR
TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RECEIPT OF DEPARTMENT GENERAL ORDER Q-4,
PROPERTY FOR IDENTIFICATION AND SAFEKEEPING
NOT CONNECTED WITH AN ARREST OR CRIME. (COPIES
SENT TO EMPLOYEE ORGANIZATIONS) - CONTINUED FOR
TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 590-82

DEPARTMENT GENERAL ORDER I-11, VEHICLE COLLIS-
ION VICTIM IDENTIFICATION - APPROVED.

RESOLVED, that the Police Commission here-
by adopts Department General Order I-11, Vehicle
Collision Victim Identification.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

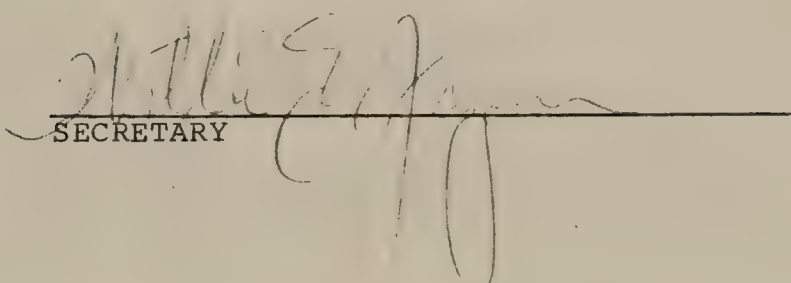
RESOLUTION NO. 591-82

CONTRACT BETWEEN THE SAN FRANCISCO POLICE DE-
PARTMENT AND THE SECURITY TRANSPORT COMPANY
FOR PICK UP AND DELIVERY OF PRISONERS.

BE IT RESOLVED, that the Police Commission
does hereby authorize the Chief of Police of
the San Francisco Police Department to renew a
contract with Security Transport Company for
the delivery of prisoners to San Francisco.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

The Commission then adjourned its meeting
at 6:40 in hopes for the recovery of Ser-
geant John Macauley.



SECRETARY

14 JULY 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 14, 1982 at 1700 hours, in regular session.

PRESENT: Commissioners Nelder, Toler, Murphy,
Sanchez

ABSENT: Commissioner Daly

Commissioner Sanchez presiding.

DOCUMENTS DEPT.

AUG 6 1982

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RESOLUTION NO. 589-82

HEARING OF POLICE OFFICER FRANCIS MURPHY,
POTRERO STATION - (CONTINUED FROM THE MEET-
ING OF MAY 26, 1982.)

WHEREAS, the hearing of Police Officer Francis Murphy, Potrero Station, was called, it having been set for this date; and

WHEREAS, it has been requested by Mr. Stephen Bruce Bley, attorney for Officer Francis Murphy, that because he had not received the full amount of discovery, the matter be continued to August 4, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Francis Murphy, Potrero Station, is continued to Wednesday, August 4, 1982 at 6:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Toler, Murphy,
Sanchez

ABSENT: Commissioner Daly

HEARING OF POLICE OFFICER DARYL P. WILLIAMS,
MUNI TRANSIT POLICE DIVISION

The hearing of Police Officer Daryl P. Williams, Muni Transit Police Division, was

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called, it having been set for this date. Police Officer Daryl P. Williams was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to prevent crime, enforce all criminal laws, penal ordinance and all laws. (Violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to prevent crime, enforce all criminal laws, penal ordinances and all laws. (Violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Conduct unbecoming an officer, reflecting discredit upon the San Francisco Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 4

Failure to answer questions propounded by a superior officer. (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Daryl P. Williams appeared in person and represented himself.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

An opening statement was made by Mr. Stephen Bruce Bley, Attoreny at Law, although he stated he was not representing Officer Williams but felt obligated to make an opening statement on Officer William's behalf.

An opening statement was then made by Officer Williams. Commissioner Sanchez advised Officer Williams of his right to counsel, but Officer Williams indicated his desire to continue the hearing without benefit of counsel.

An opening statement was then made by Mr. Jerry Akins, Attorney at Law, Prosecuting Attorney for the San Francisco Police Department.

Officer Williams then presented his case to the Commission and pled guilty to all charges.

The following-named witness appeared for the Prosecution, was duly sworn and testified:

Officer Stephen Bosshard
Vice Crimes-Narcotics Division
Investigations Bureau

Closing statements were then made by Mr. Stephen Bruce Bley and Officer Williams.

Closing statement was made by the Chief of Police, Cornelius P. Murphy.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 592-82

DECISION - HEARING OF POLICE OFFICER DARYL P. WILLIAMS, MUNI TRANSIT POLICE DIVISION

WHEREAS, on October 14, 1981, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Daryl P. Williams, as follows:

SPECIFICATION NO. 1

- a) At all times mentioned herein, Police Officer Daryl P. Williams, was a member of the San Francisco Police Department assigned to the MUNI Transit Detail;
- b) As a police officer for the City and

County of San Francisco, the accused was required to know and adhere to the Rules and Procedures of the San Francisco Police Department;

- c) On or about October 9, 1981, members of the San Francisco Police Department Narcotics Detail had occasion to respond to the 100 block of Sweeny Street in the City and County of San Francisco in response to a citizen's complaint;
- d) Upon arrival at the complainant's home, members of the Narcotics Detail observed in the adjacent back yard, approximately twenty to thirty large marijuana plants approximately six feet in length which had been cut and were lying about in the garden area;
- e) Additional observation revealed six to ten smaller marijuana plants still growing and approximately six to twelve inches in height;
- f) Investigation by members of the Narcotics Detail revealed an occupant of the premises and the aforementioned garden area to be the accused, Daryl P. Williams;
- g) The above cultivation of marijuana in the quantities as observed constitutes a violation of the California Health and Safety Code;
- h) By his cultivation, and/or knowledge of the cultivation of marijuana on the premises under his control, the accused engaged in conduct which was in violation of the law and did violate Section 2.03 of the Rules and Procedures of the San Francisco Police Department which states that a member:

2.03 "Shall, at all times, while on duty preserve the peace, prevent crime, detect and arrest offenders and enforce all criminal laws, penal ordinances and all laws and ordinances regulating vehicular and pedestrian traffic and travel upon public highways. While off duty, a member shall take all reasonable steps consistent with Rule 7.12 to preserve the peace, prevent crime,

detect and arrest offenders and enforce all criminal laws, penal ordinances and all laws and ordinances regulating vehicular and pedestrian traffic and travel upon public highways."

SPECIFICATION NO. 2

- a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- b) As a result of the observations by the narcotics officers on the above date, a search warrant was issued by the Honorable Phillip Moscone, Judge of the Municipal Court for the aforementioned premises under the control of the accused;
- c) That upon the service of the search warrant, the members of the Narcotics Detail confiscated as contraband, marijuana, marijuana seeds, LSD and related miscellaneous narcotic paraphernalia;
- d) That the aforementioned confiscated items are property, things or evidence which tends to show that a felony offense has been committed and/or may be used as a means of committing a felony offense;
- e) By reason of the possession of the aforementioned contraband, the accused did engage in conduct which are proscribed by public policy and laws and in so doing did engage in conduct which was in violation of the law and did violate Section 2.03 of the Rules and Procedures of the San Francisco Police Department which states that a member:

2.03 "Shall, at all times, while on duty preserve the peace, prevent crime, detect and arrest offenders, and enforce all criminal laws, penal ordinances and all laws and ordinances regulating vehicular and pedestrian traffic and travel upon public highways. While off duty, a member shall take all reasonable steps consistent with Rule 7.12 to preserve the peace, prevent crime, detect and arrest offenders and enforce all criminal laws, penal ordinances and all laws and ordinances regulating

vehicular and pedestrian traffic and travel upon public highways."

SPECIFICATION NO. 3

- a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 and each and every allegation contained in paragraphs (a) through (c) of Specification No. 2 are hereby incorporated by reference as though each were fully set forth herein;
- b) That after service of the aforementioned search warrant, the accused responded to the aforementioned premises where he was placed under arrest for violation of the laws of the State of California;
- c) By reason of the aforementioned conduct, the accused did engage in acts which are prohibited by law and public policy and in so doing did engage in acts which reflect discredit on the San Francisco Police Department thereby violating Section 2.13 of the Rules and Procedures of the San Francisco Police Department which states that:

2.13 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these rules and procedures shall be considered unofficer-like conduct, triable and punishable by the Board."

SPECIFICATION NO. 4

- a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1, each and every allegation contained in paragraphs (a) through (c) of Specification No. 2, and each and

every allegation contained in paragraphs (a) through (b) of Specification No. 3 are hereby incorporated by reference as though each were fully set forth herein:

- b) At all times mentioned herein, Deputy Chief Eimil was and is the superior officer of the accused;
- c) That on or about October 9, 1981 at approximately 2255 hours, Deputy Chief Eimil questioned the accused as to the aforementioned allegations;
- d) That Deputy Chief Eimil, prior to any questioning, advised Officer Williams that he was required by the Rules of the San Francisco Police Department to:
 - 1. Respond to questions in a truthful and unevasive manner;
 - 2. That any response to questions propounded could not be used in any criminal proceedings against him;
 - 3. That the failure of Officer Williams to answer truthfully and without evasion would be a violation of the Rules and Procedures of the San Francisco Police Department and could result in charges and possible dismissal from the San Francisco Police Department.
- e) That Officer Williams failed to respond and/or answer the questions propounded by Deputy Chief Eimil;
- f) That the questions propounded by Deputy Chief Eimil were during the course and scope of his official investigation and such questions were specifically and narrowly related to his official duties and conduct;
- g) By reason of his failure to answer questions propounded by a superior officer arising from, and during the course and scope of, an official investigation, Officer Williams was in violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department which states that a member:

2.49 "Shall, when called upon by a superior officer, or by one specially assigned by lawful authority to conduct an investigation involving police matters, or any matter affecting the conduct of a member or members, truthfully answer all questions propounded. All reports, statements and declarations made orally, or in writing, in the foregoing matters shall contain the truth without evasion."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8,343 of the Charter of the City and County of San Francisco on Wednesday, July 14, 1982, and on Wednesday, July 14, 1982 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Daryl P. Williams as contained in Specification No. 1, violation of Section 2.03, Specification No. 2, violation of Section 2.03, Specification No. 3, violation of Section 2.13, and Specification No. 4, violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Daryl P. Williams has violated Specification No. 1, Section 2.03, Specification No. 2, Section 2.03, Specification No. 3, Section 2.13 and Specification No. 4, Section 2.49 of the Rules and Procedures of the San Francisco Police Department and for said violations he shall be dismissed from the San Francisco Police Department; and be it further

RESOLVED, that said dismissal, effective immediately, be, and the same is hereby affirmed and approved.

Recess taken during the hearing
of Police Officer Daryl P. Williams:

1800 hours to 1810 hours.

AYES: Commissioners Nelder, Toler, Murphy,
Sanchez

ABSENT: Commissioner Daly

(The entire proceedings were taken
in shorthand form by Hearing Reporter
Linda S. Pransky, C.S.R.)

CHIEF'S WRITTEN REPORT (Binders Only)

Noted.

The Commission then adjourned its meeting
at 6:18 p.m.



SECRETARY

21 JULY 1982

MEET AND CONFER

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 21, 1982 at 1600 hours in Meet and Confer Session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

DOCUMENTS DEPT.

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Commissioner Murphy presiding.

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1. Internal Affairs Bureau Interviews - Sworn Members.

The Police Officers' Association had no representative in attendance and made no attempt to contact the Police Commission to re-schedule the Meet and Confer to another date and time.

21 JULY 1982

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, July 21, 1982 at 1630 hours in Executive Session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

Commissioner Murphy presiding.

1. Attorney-Client Conference

No vote was taken.

21 JULY 1982

REGULAR MEETING

The Police Commission of the City and

County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 21, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

Commissioner Murphy presiding.

The Commissioners, having received, amended and returned copies of the minutes of the meetings of June 2, 1982, June 9, 1982, June 16, 1982, June 23, 1982 and June 30, 1982, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

4345-4349 CALIFORNIA STREET - LAUNDROMAT

- a) At 4345-4349 California Street, install a 22' green zone, extending from west property line of 4349 California Street 22' east of same.

1706 YOSEMITE - MULTIPURPOSE SENIOR CENTER, INC.

- a) At 1706 Yosemite, install a 22' white zone, extending from east property line 22' west of same.

3200 FILLMORE STREET - DARTMOUTH SOCIAL CLUB.

- a) At 3200 Fillmore Street, install a 22' white zone, extending from south property line 22' north of same.

- b) Remove Meter FILLMORE #3202.

360 POST STREET - S.F.P.D.

- a) At 360 Post Street, install a 22' yellow zone, extending from west property line of 380 Post Street 22' east of same.
- b) Remove meter POST #320.

543 HAIGHT STREET - NATHANS FLORIST

- a) At 543 Haight Street, install a 22' yellow zone, extending from east property line of 543 Haight Street 22' west of same.

580 HAYES STREET - HAYES VALLEY MARKET

- a) At 580 Hayes Street, install a 22' STLZ, extending from 60' to 82' east of Laguna Street.
- b) Sign to be installed on meter
HAYES #520 - 7 A.M. - 11 A.M.

3198-23rd STREET - S.F.P.D. - REVOKED

- a) At 3198-23rd Street, revoke existing 26' yellow zone, extending from 18' to 44' east of South Van Ness Avenue.

1200 JONES STREET - S.F.P.D. - APT. HOUSE -
REVOKED

- a) At 1200 Jones Street, revoke existing 25' yellow zone, extending from 6' to 31' north of Sacramento Street.

97 GREEN STREET - S.F.P.D. - REVOKED

- a) At 97 Green Street, revoke existing 100' red zone, extending from 40' to 140' east of Battery Street.

199 GREEN STREET - S.F.P.D. - REVOKED

- a) At 199 Green Street, revoke existing 125' red zone, extending east of Sansome Street.

2120 BROADWAY - S.F.P.D. - SARAH DIX HAMLIN
SCHOOL - REVOKED

- a) At 2120 Broadway, revoke existing 54' white zone, extending from 54' to 108' west of the east building line.

500 MINNA STREET - S.F.P.D. - REVOKED

- a) At 500 Minna Street, revoke existing 22' yellow zone, extending from 6' to 28' west of driveway to Parking Lot.

1681 CHURCH STREET - S.F.P.D. - REVOKED

- a) At 1681 Church Street, revoke existing 24' green zone, extending 24' north of the south line.

2129 VALLEJO STREET - S.F.P.D. - SARAH DIX
HAMLIN SCHOOL - REVOKED

- a) At 2129 Vallejo Street, revoke existing 110' white zone, extending from 3' to 113' east of the west line.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 486 feet of red, white, green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Lieutenant Henry M. Williams, Community Relations Unit, for service, effective July 14, 1982.
- b) Sergeant Edward M. McDonough, Personnel & Training, for service, effective July 14, 1982.
- c) Lieutenant Frank M. Liuzzi, Northern Station, for service, effective July 14, 1982.
- d) Assistant Inspector John Rugeiro, Central Station, for service, effective July 6, 1982.
- e) Sergeant Alan T. Johnson, Court Liaison, for service, effective July 7, 1982.

The communications were ordered filed.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 593-82

DENISE GREGORY AND RAYMOND JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Denise Gregory and Raymond Johnson in the sum of \$250.00 in Superior Court Action No. 767-594, entitled, "Denise Gregory and Raymond Johnson vs. City and County of San Francisco et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 4-8, 1980

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 594-82

PETER CORYELL VS CORNELIUS P. MURPHY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Peter Coryell in the sum of \$750.00 in Superior Court Action No. 772-458, entitled "Peter Coryell vs. Cornelius P. Murphy, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 1, 1980

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 595-82

JOHN LENAHAN AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of John Lenahan in the sum of \$13,000.00 in Superior Court Action No. 761-945 entitled, "John Lenahan vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1979

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 596-82

ROBERT SIMON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Simon against the City and County of San Francisco in the sum of \$293.10 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 11, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 597-82

MICHAEL L. DAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael L. Day against the City and County of San Francisco in the sum of \$387.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 20, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 598-82

FARMERS INSURANCE GROUP AND
DAVID WOODWORTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Farmers Insurance Group and David Woodworth against the City and County of San Francisco in the sum of \$830.55 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 7, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 599-82

SHEILA POON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sheila Poon against the City and County of San Francisco in the sum of \$175.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 7, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 600-82

WILLIAM DECKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Decker against the City and County of San Francisco in the sum of \$666.62 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 27, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 601-82

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Lieutenant Charles)	\$800.00	(Federal Bureau of
Beene)		(Investigation Na-
Tactical Division)		(tional Academy, Quan-
		(tico, Virginia, April
		(12, 1982 to June 25,
		(1982.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

PRESENTATION OF MEDAL OF VALOR AWARDS AND CERTIFICATES

Commissioner Nelder said that on behalf of the Police Commission and as Chairman of the Awards Committee Meeting, he wanted to thank the men and women of the Department and their families for their continuous commitment and dedication to outstanding law enforcement services to this city.

The awards were then presented as follows:

Officer William J. Coggan.....Meritorious Conduct
Certificate

Officer William J. Coggan.....Bronze Medal

Sergeant Richard R. Weick.....Bronze Medal

Officer Paul T. Swiatko.....Bronze Medal

Sergeant Ross H. Spinner.....Bronze Star

Officer David R. Robinson.....Bronze Medal

Officer David R. Robinson.....Silver Medal

Officer Timothy Quan.....Bronze Medal

Officer Bruce E. Gendron.....Bronze Medal

Officer Gerald C. D'Arcy.....Bronze Medal

Officer John W. Bourne.....Bronze Star

Officer Michael A. Williams...Silver Medal

Officer Edward J. Weaver.....Silver Medal

Officer Lloyd A. Ritter.....Silver Star

Officer Sylvia V. David.....Silver Medal

Sergeant Ronnie E. Rhoades....Silver Medal

Officer William S. Taylor.....Gold Medal

Officer Michael F. Stasko.....Gold Medal

Officer John L. Sheveland.....Gold Medal

Officer James R. Seim.....Gold Medal

Officer Gerard M. Neybert.....Gold Medal

Officer James T. Deely.....Gold Medal

Officer Richard W. Barber.....Gold Medal

POLICE COMMISSION REPORT

Commissioner Daly moved that the Police Commission honor Sergeant John Macauley with a donation of \$50.00 to the Hannah Boy's Center. It was unanimously approved.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

- a) Senior Escort-Outreach Program -
accepting funding.

Lieutenant Frank Jordan speaking to this item stated this was a carry over from the meeting of July 7th. He said HUD wanted two (2) budgets. 2 levels of funding this year so HUD can take a look at them.

RESOLUTION NO. 605-82

SENIOR ESCORT-OUTREACH PROGRAM - ACCEPTANCE
OF FUNDING - APPROVED

RESOLVED, that the Police Commission hereby approves the Senior Escort-Outreach Program acceptance of funding for two budgets consisting of two levels of funding this year so that the Mayor's Office of Housing and Community development can review them.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

PRESENTATION OF AWARD TO SERGEANT LAYNE AMIOT,
CAPTAIN OF THE POLICE DEPARTMENT SOFTBALL TEAM,
FROM CAPTAIN OSBORNE, BASE LIEUTENANT COMMANDER,
U.S. NAVY, TREASURE ISLAND.

Captain Osborne made the presentation on behalf of the U.S. Navy to Sergeant Layne Amiot and said the hospitality of the San Francisco Police Department was appreciated.

REQUEST OF THE CHIEF OF POLICE FOR ADOPTION OF
A RESOLUTION DECLARING THE ENTIRE CITY TO BE ONE
ZONE IN WHICH BAYVIEW TOWING AND STORAGE AND ABC
TOWING MAY OPERATE. (CONTINUED FROM THE MEETING
OF JULY 7, 1982)

Sergeant Newlin explained the procedures to be followed as stated in this contract as to tow companies who do not fulfill their responsibility, or live up to the provisions of the contract. He

said the Department has set up a monitoring system to check to see that these companies fulfill their contract.

Commander D'Arcy said for the record, this is the first contract entered into where the San Francisco Police Department receives a benefit. The contract provides full salary for one officer and also liability insurance.

Speaking on opposition were the following:

Mr. Steve Marr, representing Powell Towing Company, also spoke and said he had submitted a low bid and the company Bayview who did not, received it. He said Bayview did not qualify. He said their 2nd bid was also lower than ABC.

Louis Hop Lee, co-council for Golden Gate Auto and San Francisco Bay Area Towing Association, requested a continuance for two weeks. .

Perry Barer also spoke in opposition.

Commissioner Nelder recommended a six (6) months continuance with a follow-up report from the Traffic Bureau at that time.

WRITTEN REQUEST OF MR. MICHELE DIPILLA TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT - AND WRITTEN REQUEST OF EDMUND L. JUNG TO SUSPEND OPERATION OF HIS MOTORIZED RICKSHAW PERMIT.

Officer Suslow of the Permit Bureau appeared on these items and stated the Chief recommended approval be granted.

Commissioner Nelder moved approval, Commissioner Daly seconded and they were unanimously approved.

RESOLUTION NO. 601-82

REQUEST OF MR. MICHELE DIPILLA TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM JUNE 27, 1982

TO SEPTEMBER 24, 1982. - APPROVED

WHEREAS, Mr. Michele Dipilla has requested that permission be granted to suspend operation of his Motor Vehicle for Hire Permit from June 27, 1982 to September 24, 1982; and

WHEREAS, Mr. Dipilla did not appear in person and was not represented by counsel; however, Officer Lamont Suslow of the Permit Bureau indicated that at a Chief's hearing, it was recommended that Mr. Dipilla's request be approved; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Michele Dipilla for permission to suspend operation of his Motor Vehicle for Hire Permit from June 27, 1982 to September 24, 1982, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 602-82

REQUEST OF EDMUND L. JUNG TO SUSPEND OPERATION OF HIS MOTORIZED RICKSHAW PERMIT FROM JUNE 1, 1982 TO AUGUST 29, 1982 - APPROVED

WHEREAS, Mr. Edmund L. Jung has requested that permission be granted to suspend operation of his Motor Vehicle for Hire Permit from June 1, 1982 to August 29, 1982; and

WHEREAS, Mr. Jung did not appear in person and was not represented by counsel; however, Officer Lamont Suslow of the Permit Bureau indicated that at a Chief's hearing, it was recommended that Mr. Jung's request be approved; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Edmund L. Jung for permission to suspend operation of his Motor Vehicle for Hire Permit from June 1, 1982 to August 29, 1982, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

REQUEST FOR APPROVAL OF SPECIAL ORDER TITLED,
INTERNAL AFFAIRS BUREAU INTERVIEWS - SWORN
MEMBERS

Deputy Chief Shannon explained that the Police Officers' Association had not shown up and asked approval as it is for a 6 months trial period.

RESOLUTION NO. 603-82

DEPARTMENT SPECIAL ORDER - INTERNAL AFFAIRS
BUREAU INTERVIEWS - SWORN MEMBERS - APPROVED

RESOLVED, that the Police Commission hereby adopts Department Special Order entitled Internal Affairs Bureau Interviews-Sworn Members.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL
ORDER R-1, PERTAINING TO VEHICLE ACCIDENTS IN-
VOLVING MEMBERS - CONTINUED TO AUGUST 18, 1982

Deputy Chief Shannon requested that this item be continued to August 18, 1982.

RESOLUTION NO. 604-82

DEPARTMENT GENERAL ORDER Q-4, PROPERTY FOR IDEN-
TIFICATION AND SAFEKEEPING NOT CONNECTED WITH AN
ARREST OR CRIME - APPROVED

RESOLVED, that the Police Commission hereby adopts Department General Order Q-4, Property for Identification and Safekeeping Not Connected with an Arrest or Crime.

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 606-82

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE
BY AMENDING SECTION 10.169-4 OF ARTICLE XV,
CHAPTER 10 THEREOF, INCREASING THE POLICE DE-
PARTMENT REVOLVING FUND IN THE AMOUNT OF \$5,000.00

WHEREAS, the 1982-1983 Budget for the San Francisco Police Department reflects an appropriation to increase the Police Department Revolving Fund; and

WHEREAS, in order for this to become part of the funds available to the Police Department as a Revolving Fund, an amendment to the San Francisco Administrative Code is required; and

WHEREAS, a draft ordinance has been prepared and reviewed by the Police Commission; and

WHEREAS, it is necessary for action to be taken by the Board of Supervisors to amend the San Francisco Administrative Code; therefore be it

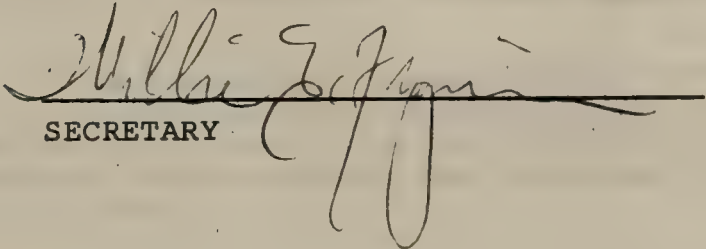
RESOLVED, that the Police Commission hereby forwards the attached proposed ordinance to the City Attorney for approval as to form and once this is accomplished hereby requests the City Attorney to transmit the ordinance to the Board of Supervisors for their adoption.

(Copy on file in the Police
Commission Office)

AYES: Commissioners Daly, Nelder, Toler,
Murphy

ABSENT: Commissioner Sanchez

The Commission then adjourned its meeting
at 6:41 p.m.


SECRETARY

28 JULY 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 28, 1982 at 1700 hours.

PRESENT: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

Commissioner Sanchez presiding.

RESOLUTION NO. 609-82

SETTING OF DATE FOR HEARING OF SERGEANT CHARLES WARREN, JR., TACTICAL DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Sergeant Charles Warren, Jr., Tactical Division, was called, it having been set for this date; and

WHEREAS, it was requested that the date for the hearing before the Police Commission be set for October 20, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Sergeant Charles Warren, Jr., is set for Wednesday, October 20, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

HEARING OF POLICE OFFICER SUSAN C. PAVLOFF, VICE CRIMES DIVISION

The hearing of Police Officer Susan C. Pavloff, Vice Crimes Division, was called, it having been set for this date. Police Officer Pavloff was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Susan C. Pavloff appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

Opening statements were made by both the Prosecuting and Defense Attorneys.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Susan Garcia
406-98th Street
Daly City, California

Ana Stapnopoulos
433 Knolls Avenue
Daly City, California

Susana Garcia
420 Santa Barbara
Daly City, California

Cesar Garcia
406-89th Street
Daly City, California

Angel Garcia
420 Santa Barbara
Daly City, California

Ana Garcia
420 Santa Barbara
Daly City, California

The following-named witnesses were called by the Defense, sworn and testified:

Officer Robert Hernandez
Vice Crimes-Narcotics Division

Officer Susan C. Pavloff
Vice Crimes-Narcotics Division

Sergeant Robert Jones
Internal Affairs Division

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 - Color photographs of Ana Stapnopoulos.

The following exhibits were entered into evidence by the Defense:

Exhibit A - One color photograph depicting Officer Hernandez' head wound.

Exhibit B - One color photograph depicting Officer Hernandez' second head wound.

After listening to testimony from the above parties, the Commission then adjourned at 2248 hours, and the matter was continued to Wednesday, August 11, 1982 at 1600 hours, in the Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

Recesses taken during
the Hearing of Police
Officer Susan C. Pavloff:

1929 hours to 1937 hours.

2029 hours to 2050 hours.

2232 hours to 2237 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Linda S. Pransky, C.S.R.)

HEARING OF POLICE OFFICER ROBERT C. HERNANDEZ,
VICE CRIMES DIVISION

The hearing of Police Officer Robert C.

Hernandez, Vice Crimes Division, was called, it having been set for this date. Police Officer Robert Hernandez was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Robert C. Hernandez appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

Opening statements were made by both the Prosecuting and Defense Attorneys.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Sarah Garcia
406-89th Street
Daly City, California

Ana Stapnopoulos
433 Knolls Avenue
Daly City, California

Susana Garcia
420 Santa Barbara
Daly City, California

Cesar Garcia
406-89th Street
Daly City, California

Angel Garcia
420 Santa Barbara
Daly City, California

Ana Garcia
420 Santa Barbara
Daly City, California

The following-named witnesses were called by the Defense, sworn and testified:

Officer Robert C. Hernandez
Vice Crimes-Narcotics Division

Officer Susan C. Pavloff
Vice Crimes-Narcotics Division

Sergeant Robert Jones
Internal Affairs Division

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 - Color photographs of Ana
Stapnopoulos.

The following exhibits were entered into evidence by the Defense:

Exhibit A - One color photograph depicting Officer Hernandez' head wound.

Exhibit B - One color photograph depicting Officer Hernandez' second head wound.

After listening to testimony from the above parties, the Commission then adjourned at 2248 hours, and the matter was continued to Wednesday, August 11, 1982 at 1600 hours, in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

Recesses taken during the hearing of Police Officer Robert C. Hernandez:

1929 hours to 1937 hours.

2029 hours to 2050 hours.

2232 hours to 2237 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Linda S. Pransky, C.S.R.)

RESOLUTION NO. 607-82

POLICE OFFICER TEDDY M. QUERUBIN, MISSION STATION

WHEREAS, charges of violating the Rules and

Procedures of the San Francisco Police Department were filed against Police Officer Teddy M. Querubin, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging on conduct which reflects discredit upon the department. (Violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Teddy M. Querubin, Mission Station, is set for Wednesday, August 4, 1982 at 1730 hours, in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

RESOLUTION NO. 608-82

POLICE OFFICER MICHAEL L. HUGHES, MUNI TRANSIT
POLICE DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael L. Hughes, Muni Transit Police Division, as follows:

SPECIFICATION NO. 1

Failure to prevent crime. (Violation of Rule A-1 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department and which reflects discredit upon the department. (Violation of Rule A-9 of

General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Michael L. Hughes, Muni Transit Police Division, is set for Wednesday, August 4, 1982 at 1730 hours, in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

CHIEF'S WRITTEN REPORT (BINDERS ONLY)

Noted.

The Commission then adjourned its meeting at 10:48 p.m.



SECRETARY

4 AUGUST 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 4, 1982 at 1730 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy
Sanchez

Commissioner Sanchez presiding.

DOCUMENTS DEPT.

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RESOLUTION NO. 644-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER TEDDY M.
QUERUBIN, MISSION STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Teddy M. Querubin, Mission Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer Teddy M. Querubin, that the date for the setting of the hearing before the Police Commission be set for August 18, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Teddy M. Querubin, is set for Wednesday, August 18, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 645-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER MICHAEL
L. HUGHES, MUNI TRANSIT POLICE DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Michael L. Hughes, Muni Transit Police Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer Michael L. Hughes, that the date for the setting of the hearing before the Police Commission be set for August 18, 1982; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Michael L. Hughes, is set for Wednesday, August 18, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 637-82

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT
OF \$3,773,624 FOR UNIFORMED SALARY STANDARDIZATION

RESOLVED, that the Police Commission hereby approves a "Request for Supplemental Appropriation" in the amount of \$3,773,624 for the purpose of funding a 3.6% increase in uniformed salaries for Fiscal Year 1982-83, which resulted from the salary standardization survey. The funding source is "any legally available funds."

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

At this point Commissioner Sanchez stated for the record that the Commission had met in Executive Session at 1700 hours in regard to Attorney-Client matters and that no vote was taken.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau of installation of zoning for the regulation of traffic on the public streets, be and the same are hereby approved:

590 HOWARD STREET - NATIONAL MULTIPLE SCLEROSIS SOCIETY

- a) At 590 Howard Street, install an 18' blue zone, extending from the east property line 18' west of same.
- b) Remove meter HOW 588.

285 GEARY STREET - S.F.P.D.

- a) At 285 Geary Street, install a 22' blue zone extending from the east property line of 285 Geary Street, 22' west of same.
- b) Remove parking meter GEA 235.

5016-3RD STREET - CALIFORNIA ASSOCIATION FOR HEALTH,
EDUCATION EMPLOYMENT

- a) At 5016-3rd Street, install a 30' white zone, extending from the south property line, 30' north of same.
- b) Remove meter 385012.

240 STOCKTON STREET - S.F.P.D.

- a) At 240 Stockton Street, revoke 22' of existing white zone from 4' to 26' north of Maiden Lane and REPLACE with 22' blue zone extending from 4' to 26' north of Maiden Lane.

786 HAIGHT STREET - S.F.P.D. - REVOKED

- a) At 786 Haight Street, revoke existing 25' yellow zone, extending from west of the east property line of 786 Hight Street.

796 HAIGHT STREET - S.F.P.D. - REVOKED

- a) At 796 Haight Street, revoke existing 24' yellow zone, extending west of the east line of the building.

678 HAIGHT STREET - S.F.P.D. - REVOKED

- a) At 678 Haight Street, revoke existing 25' green zone, extending east from the west line of the building.

200 SCOTT STREET - S.F.P.D. - REVOKED

- a) At 200 Scott Street, revoke existing 20' green zone, extending from 3' to 23' north of Haight Street.

200-220 PACIFIC - S.F.P.D. - REVOKED

- a) At 200-220 Pacific, revoke existing 30' yellow zone, (zones located between entrances.)

799 HAIGHT STREET - S.F.P.D. - REVOKED

- a) At 799 Haight Street, revoke existing 34' yellow zone, extending from 316' to 350' west of Pierce Street.

1400 POST STREET - S.F.P.D. - REVOKED

- a) At 1400 Post Street, revoke existing 24' green zone, extending from 3' to 27' west of Gough Street.

1330 GOUGH STREET - S.F.P.D. - REVOKED

- a) At 1330 Gough Street, revoke existing 60' green zone, extending from 3' to 63' north of Peter Yorke Way.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 610-82

VICTOR PORTILLO AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Victor Portillo in the sum of \$12,000.00 in Superior Court Action No. 753-546, entitled "Victor Portillo vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 30, 1978

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 611-82

ANTHONAY RAPHAEL JUNCOS, MARIA C. JUNCOS, CARMEN
JUNCOS AND THEIR ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Anthonay Raphael Juncos, Maria C. Juncos and Carmen Juncos in the sum of \$750.00 in Superior Court Action No. 753-100, entitled "Anthonay Raphael Juncos, Maria C. Juncos, Carmen Juncos vs. City and County of San Francisco," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 6, 1978

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 612-82

ROSALIE BRADLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosalie Bradley against the City and County of San Francisco in the sum of \$483.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 4, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 613-82

MARIAN J. COOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marian J. Cook against the City and County of San Francisco in the sum of \$495.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 12, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 614-82

CALIFORNIA STATE AUTOMOBILE ASSOC. & MALKA BAN ONI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association and Malka Ben Oni against the City and County of San Francisco in the sum of \$1,131.44 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 12, 1982

AYES: Commissioners Daly, Nelder, Toler, Murphy
Sanchez

RESOLUTION NO. 615-82

CALIFORNIA STATE AUTOMOBILE ASSOC. & LIBERT MYERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association and Libert Myers against the City and County of San Francisco in the sum of \$675.10 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 13, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 616-82

JOHN M. LORIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John M. Loria against the City and County of San Francisco in the sum of \$50.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 617-82

DEBORAH MAXWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Maxwell against the City and County of San Francisco in the sum of \$70.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 618-82

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of \$77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 619-82

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of \$77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 4, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 620-82

PATRICIA L. CRIPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia L. Cripe against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 621-82

JOANNA R. PETTIT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanna R. Pettit against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 622-82

CATHERINE THOMAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine Thomas against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 623-82

JAY W. KRUEGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jay W. Krueger against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 624-82

JOHN DEMPSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Dempsey against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be and the same is hereby approved.

Date of Incident: June 20, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 625-82

CHARLES S. FAULKNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles S. Faulkner against the City and County of San Francisco in the sum of \$24.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 626-82

J. PAUL LANCY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of J. Paul Lancy against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 627-82

REINIER J. LORIST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Reinier J. Lorist against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 628-82

ENTERPRISE RENT-A-CAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Enterprise Rent-A-Car against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 629-82

RUSSELL LONGENECKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Russell Longenecker against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 630-82

MARGARET O'NEILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret O'Neill against the City and County of San Francisco in the sum of \$43.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 631-82

VICTOR LIVINGSTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victor Livingston against the City and County of San Francisco in the sum of \$86.80 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 11, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 632-82

THOMAS A. HAMILTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas A. Hamilton against the City and County of San Francisco in the sum of \$114.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 633-82

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing and Storage Co. against the City and County of San Francisco in the sum of \$77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 634-82

AUTHORIZING ATTENDANCE OF OFFICER VINCENT CATANZARO, OFFICER DONALD WOOLARD, OFFICER ALEJANDRO SERRANO, OFFICER JOHN FARNHAM AT THE SPECIAL WEAPONS AND TACTICS BASIC COURSE CONDUCTED AT HAMILTON AIR FORCE BASE IN NOVATO, CALIFORNIA FROM AUGUST 23, 1982 TO AUGUST 27, 1982

RESOLVED, that the recommendation of the Chief of Police that Officer Vincent Catanzaro, Officer Donald Woolard, Officer Alejandro Serrano and Officer John Farnham, Tactical Division, be detailed to attend the Special Weapons and Tactics Basic Course conducted by the Northern California Criminal Justice Training and Education System at Hamilton Air Force Base in Novato, California from August 23, 1982 to August 27, 1982, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Officers Catanzaro, Woolard, Serrano and Farnham in a sum not to exceed \$234.00 each will be defrayed by the San Francisco P.O.S.T. PLAN IV.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 635-82

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Captain Richard D. Klapp)	\$158.50	(Commission on (Peace Officer (Standards and (Training (Quarterly Meeting (San Diego, Ca. (07/15/82
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AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 636-82

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Father John Heaney,) Police Chaplain)	\$915.00	(International Confer- (ence of Police (Chaplains - Annual (Training Seminar (Toronto, Canada (07/19/82
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AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

CHIEF'S REPORT

"Commissioners as you may remember, last year a recommendation was made to you regarding upgrading and refining the Internal Affairs Division of the Department and one of those recommendations was to upgrade the status of the Commanding Officer of the Internal Affairs Division to the rank of Commander. That appropriation has been passed through the Board of Supervisors and the Mayor's Office and a search was done throughout the Department for the officer most qualified for that position and as a result of that investigation I am recommending to you tonight that Captain Richard H. Trueb be appointed as the Commander of the Internal Affairs Division."

He then read a brief history of Commander Trueb's services in the San Francisco Police Department.

Commissioner Nelder said that Captain Trueb has certainly done an outstanding job for the San Francisco Police Department. He said he would like to congratulate him and he then moved that the Chief's request to promote Captain Trueb to Commander be approved. Commissioner Murphy seconded and it was unanimously approved.

Commissioner Sanchez then stated to Commander Trueb that he has distinguished himself by exhibiting a high sense of objectivity and dedication in the many clinical trials the Commander has been involved in working with the Commission over the years. Commissioner Sanchez then offered his congratulation to Commander Trueb, his family, and the Department.

RESOLUTION NO. 640-82

APPOINTMENT OF CAPTAIN RICHARD H. TRUEB TO THE RANK OF COMMANDER IN THE SAN FRANCISCO POLICE DEPARTMENT - APPROVED

RESOLVED, that the Police Commission hereby approves the appointment of Richard H. Trueb as a Commander for the San Francisco Police Department pursuant to Charter Section 3.501 to become effective at 0600 hours, Thursday, August 5, 1982.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

HEARING OF POLICE OFFICER FRANCIS MURPHY, POTRERO STATION

The hearing of Police Officer Francis Murphy, Potrero Station, was called it having been set for this date. Police Officer Murphy was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Sleeping while on duty (violation of Section 2.101 of the Rules and Procedures of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to remain within hearing of a signal calling for his services (violation of Section 9.147 of the Rules and Procedures of the San Francisco Police Department.).

SPECIFICATION NO. 3

Failure obey and promptly execute the lawful orders of his superior officer (violation of Section 2.45 of the Rules and Procedures of the San Francisco Police Department).

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order efficiency and discipline of the department (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department).

AMENDMENT TO SPECIFICATION

SPECIFICATION NO. 5

Failure to prevent crime (violation of Section A-2 of General Order D-1 of the San Francisco Police Department)..

SPECIFICATION NO. 6

Failure to prevent crime (violation of Section A-2 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 7

Failure to maintain himself in a fit condition to perform police duties (violation of Section A-3 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 8

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department (violation of Section A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Francis Murphy appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

An opening statement was made by Prosecuting Attorney Akins. Attorney Bley reserved statement until later.

Mr. Akins requested that the Commission bifurcate the Specifications 5, 6, 7 and 8 and proceed with Specifications 5, 6, 7 and 8. The Commissioners accepted this request and it was placed in the form of a motion and unanimously approved, with the understanding that Specification 1, 2, 3 and 4 would be heard thereafter depending upon findings of Specifications 5, 6, 7 and 8.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant Libert Myers
Potrero Station

Sergeant Timothy Hettrich
Mission Station

Captain Paul Kotta
Potrero Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 - For identification only.

One Smith & Wesson Stainless
Steel 4" barrel .38 caliber
revolver.

One Colt blue steel auto-
matic .25 caliber pistol.

Exhibit #2 - Taped interview by Captain
Paul Kotta of Officer
Francis Murphy.

Exhibit #3 - Laboratory report of
results of examination
Case #821475349 - two
weapons: One Smith &
Wesson .38 caliber revolver
and one 2" Colt "Junior"
automatic - April 28, 1982
report made by M. Luksich,
Criminalist.

Exhibit #4 - Report of the Federal Bureau
of Investigation, May 14,
1982, re: gunshot analysis.

The following exhibits were entered into evidence by the Defense:


Exhibit A - One color photograph of a
premises at 175 Yukon Street

Exhibit B - Four color photographs of
175 Yukon Street.

After listening to testimony from the above parties, the Commission then adjourned at 2050 hours, and the matter was continued to Wednesday, August 11, 1982 at 1800 hours, in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

(The entire proceedings were taken in shorthand form
by Hearing Reporter Linda S. Pransky, CSR).



SECRETARY

11 AUGUST 1982REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 11, 1982 at 1600 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

DOCUMENTS DEPT.

Commissioners Sanchez presiding.

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PRESENTATION OF COMMISSION COMMENDATION TO THE "FRIENDS OF THE SAN FRANCISCO POLICE DEPARTMENT COMMITTEE".

Commissioner Sanchez: Could we please have our officers from the Mounted Unit Staff including Mrs. Connie Lurie to stand by the microphone here. The San Francisco Police Commission has a resolution we would like to present to the Friends of the San Francisco Police Department Committee and I would like to read it into the record and present it to you. I know that my colleagues on the Commission will also make a few comments. I think that more importantly had it not been for your commitment of you individually and collectively through the Committee, our Mounted Units would not be what they are today and I think today's outstanding event out at Candlestick where the Giants won in the bottom of the 11th with Reggie Smith and our Mounted Units in the crowd control patterns have really made a piece of distinct history here in this City and were it not for your committee and your efforts and sacrifices this Commission feels that that would not have happened." He then read the resolution into the record as follows:

WHEREAS, a non-profit organization called "Friends of the San Francisco Police Department Committee" was appointed by Mayor Dianne Feinstein, headed by Mrs. Connie Lurie, Mr. Bernard Averbuch and Mrs. Gladys Hansen, in cooperation with the Chief of Police, Cornelius P. Murphy; and

WHEREAS, the purpose of said organization was to generate support in the form of financial contributions as well as donated goods and services to be used as needed by the San Francisco Police Department, including but not limited to equipment, supplies, realty and live-stock, and to provide funds for the maintenance thereof; and

WHEREAS, the above various items received by the San Francisco Police Department have proven to be pertinent to the efficient and cohesive performance of personnel assigned to the San Francisco Mounted Unit, where said items are now in use; and

WHEREAS, the Police Commission feels that such a generous gesture on the part of Mrs. Connie Lurie, Mr. Bernard Averbuch and Mrs. Gladys Hansen and the Friends of the San Francisco Police Department should not go unrecognized, and in order to bestow said recognition, adopts this resolution this date, August 11, 1982 in honor of the Friends of the San Francisco Police Department; therefore be it

RESOLVED, that the Police Commission and the Chief of Police of the San Francisco Police Department does hereby submit to the Friends of the San Francisco Police Department Committee the Police Commission's Honorable Resolution highly commending them for their affable generosity in donating those various items to be used by those personnel assigned to the San Francisco Police Department Mounted Unit.

He then said that on behalf of the Commission we wish to thank you again and wish to present the Commission's Resolution to you.

Mrs. Lurie then stated, "On behalf of the Committee, thank you very much. We appreciate this honor and we will all enjoy it. Thank you."

Commissioner Nelder at this point asked to be heard and said the press had asked him if this was going to be an open meeting and if not the Press at this time should be informed as to how the Commission planned to proceed.

Commissioner Sanchez then advised the press that the Commission had two hearings coming up and that they would be closed hearings. He then said that probably the press was also interested in the 3rd item on the calendar, Chief's written reports, and whether this item regarding the 49'er Motorcade Report would be disseminated. He said the Commission had not yet received the report, that they will receive the report this afternoon and then schedule it for the next Police Commission meeting for any response or public discussion.

CHIEF'S REPORT

Chief Murphy: "Commissioners, I would like to propose some administrative changes in personnel in the Department, the Command Staff and also some minor reorganizational changes and the changes that I have in mind is to make a switch with the Deputy Chief of Field Operations where Deputy Chief Ryan will be transferred to the position of Deputy Chief of Investigations and Deputy Chief George Eimil will be transferred from Investigations to Deputy Chief of Field Operations and to maintain the position of Patrol Commander and give him the responsibility over the 9 district stations and also to oversee the Field Training Officer Program. Also, I will take Commander D'Arcy who is presently the Commander of Traffic and make him the night Patrol Commander which would give the Department the opportunity to increase command presence in the Department until 3:00 A.M. in the morning. Last week I appointed Commander Trueb as the new Commander of Internal Affairs and merged the Legal Division with Internal Affairs with Commander Trueb in charge and the final change would be to move the Hit and Run Detail, basically an investigative detail and bring that under the auspices of the Bureau of Investigations which will also coincide with the move of officers that we are presently contemplating in the Department that they be moved up to the fourth floor and brought under the Deputy Chief of Investigations. Those are basically the changes I am proposing and there are other changes in the Operations Center and the Command Center of the Department that I will present to you at a later date."

Commissioner Nelder: "This will streamline your administrative overseeing in the Department I take it?"

Chief Murphy: Basically a streamlining and the important aspect is that we could have command officer presence beyond the normal business hours up until 3 o'clock in the morning which I think is definitely needed in the Department in the event of any serious disturbance, this person has the ability to bring in the resources and make personnel changes within the districts as necessary to insure proper levels of policing at all district stations."

Commissioner Murphy: "I would like to move approval of this plan with the stipulation that within 3 months time that you bring to us the results of these changes."

Commissioner Nelder: "I second the motion. I agree that supervision is the keynote to the efficiency and professionalism of the department so I think that is a good suggestion that we have periodic reviews to see whether it measures up to what we and you believe it will."

Chief Murphy: There is one other change that I didn't bring up which I should, Captain Lordan who is now in charge of Internal Affairs Division will be moved back to Investigations. He will be the Captain in charge of the Investigations Bureau. Captain Mahoney will be transferred to Field Operations and he will assume some of the duties of the, formally of the Commander of Traffic and then he will oversee all of the administrative and support groups within the Field Operations so there will be three captains assigned to Traffic as opposed to two before, so there will be a slight strengthening of the Traffic Division also."

Commissioner Murphy: "That will be included in my motion also."

Commissioner Nelder: "Chief, the philosophy of moving the Hit & Run Detail up to the Bureau of Inspectors....., over the years it has been in the Traffic Division and now you are moving it into the Bureau of Inspectors and I take it that you are doing this because there are felony cases, most involve either stolen cars or felony drunk driving where injury is involved and it will step up the degree of prosecution I take it, and the level of investigation."

Chief Murphy: I think it will be also an upgrading for the Hit and Run Detail, they do handle serious felony hit and runs or felony prosecutions and by bringing them into the investigative bureau they will have all of those resources more readily available to them than they have now. They will be working closer with the Homicide Detail. I think it is a step in the right direction."

Commissioner Sanchez: Fine, are there further questions or comments pertaining to the Chief's recommendations of which as he said has been reviewed and implemented to increase the effectiveness of the Department? If not, there is a motion and second along with the 3 month report coming back to the Commission pertaining to the revision, all in favor?" Unanimous Ayes.

RESOLUTION NO. 689-82

RESETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER
RAYMOND A. ADKINS, MISSION STATION

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Raymond A. Adkins, Mission Station, was called it having been set for August 11, 1982; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney for the San Francisco Police Department, and Mr. Stephen Bruce Bley, attorney for Patrol Special Officer Raymond A. Adkins, that the date for the hearing before the Police Commission be set for November 3, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Raymond A. Adkins is set for November 3, 1982; at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

Mrs. Janice Musante, Attorney at Law, appearing for Officer Querubin indicated she was open for a date to be set for hearing and it was moved by Commissioner Murphy that the matter against Officer Querubin, violation of General Order B-1, be continued for hearing for 30 days which would, because of the Commission's calendar scheduling would be September 8, 1982. It was seconded by Commissioner Nelder and unanimously approved.

RESOLUTION NO. 690-82-A

RESETTING OF DATE FOR HEARING OF POLICE OFFICER TEDDY M.
QUERUBIN, MISSION STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Teddy M. Querubin, Mission Station, was called it having been set for August 11, 1982; and

WHEREAS, it was requested by Ms. Janice Musante, Attorney for Police Officer Teddy M. Querubin, Mission Station, and Mr. Jerry Akins, Attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for September 8, 1982, at 5:00 p.m., in Room 551, Hall of Justice.

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Teddy M. Querubin is set for September 8, 1982, at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy, Sanchez

ABSENT: Commissioner Toler

RESOLUTION NO. 642-82

NOTIFICATION AND FILING OF CHARGES AGAINST SERGEANT
STEVEN T. SMITH, OPERATION "S"

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Sergeant Steven T. Smith, Operation "S", as follows:

SPECIFICATION NO. 1

Failure to answer truthfully and without evasion questions propounded (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it ,

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Sergeant Steven T. Smith, Operation "S", is set for Wednesday, August 25, 1982 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy,
Sanchez

ABSENT: Commissioner Toler

RESOLUTION NO. 641-82

NOTIFICATION AND FILING OF CHARGES AGAINST INSPECTOR
MICHAEL N. MALONEY, OPERATION "S"

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Inspector Michael N. Maloney, Operation "S" as follows:

SPECIFICATION NO. 1

Failure to answer truthfully and without evasion questions propounded (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Inspector Michael N. Maloney, Operation "S" is set for Wednesday, August 25, 1982 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy,
Sanchez

ABSENT: Commissioner Toler

Deputy Chief Shannon said last week he was before the Commission to seek approval of a supplemental appropriation for the police officers increase in salary which was 3.6% and the Board of Supervisors this past Monday increased this amount by another 2.3% which was a cost of living raise and this money he said is money that has already been set aside for this purpose. He said he would therefore request that the Commission approve the Supplemental so that the officers would be able to receive this increase in salary. Commissioner Murphy moved approval, Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 686-82

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$6,184,143 FOR UNIFORMED SALARY STANDARDIZATION

RESOLVED, that the Police Commission hereby approves a "Request for Supplemental Appropriation" in the amount of \$6,184,143 for the purpose of funding a 3.6% increase in uniformed salaries for Fiscal Year 1982-83, which resulted from the salary standardization survey. The amount will also fund a 2.3% Cost of Living Adjustment. The funding source is "any legally available funds."

AYES: Commissioners Daly, Nelder, Murphy,
Sanchez

ABSENT: Commissioner Toler

CONTINUATION OF THE HEARING OF POLICE OFFICER SUSAN C. PAVLOFF, VICE CRIMES DIVISION

The matter of the hearing of Police Officer Susan C. Pavloff, Vice Crimes Division, was called it having been continued from the meeting of July 28, 1982.

Police Officer Susan C. Pavloff appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

The following named witnesses were called by the Prosecution, duly sworn and testified:

Sergeant Joaquin Santos - Central Station
Officer Charles Coates - Police Range
Officer David Alex - Police Range
Sergeant John Harrington - Central Station

A closing statement was made by Attorney Jerry Akins.

A closing statement was made by Attorney Stephen Bruce Bley.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 687-82

DECISION - HEARING OF POLICE OFFICER SUSAN C. PAVLOFF,
VICE CRIMES DIVISION

WHEREAS, on April 21, 1982, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Susan C. Pavloff, as follows:

SPECIFICATION NO. 1

- (a) At all times herein mentioned, Susan C. Pavloff was and is a police officer employed by the San Francisco Police Department;
- (b) As a police officer, Officer Pavloff (hereinafter the accused) was and is responsible for knowing and obeying the Rules, Procedures, and Orders of the San Francisco Police Department;
- (c) On November 1, 1981, at or about 0350 hours and while off-duty and in the company of off-duty Police Officer Robert Hernandez, Star No. 1435, the accused exited a taxi outside the St. Francis Hotel in the City and County of San Francisco;
- (d) As the accused approached the entrance to the hotel, a woman observed the accused to sing in derogatory manner, "Mexican-Americans, Mexican-Americans" to a group of Hispanic people near a parked car outside the hotel;
- (e) The woman ignored the accused because it was apparent to her that the accused had been drinking;
- (f) Without lawful purpose or justification, the accused and Officer Hernandez approached the car and began demanding, by yelling, that people in the group produce "green cards".
- (g) The accused identified herself as a police officer and, without lawful purpose and without lawful purpose and justification, questioned a young woman in the group about the young woman's age;
- (h) Although she was asked twice to leave, the accused remained and became involved in a physical altercation which was observed by a crowd of people near the hotel entrance;
- (i) The conduct of the accused in singing "Mexican-Americans" to the group of Hispanics, demanding, without lawful purpose or justification, that a group of people produce green cards, and becoming involved in a physical altercation, constitutes unofficer-like conduct which is a violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 11, 1982, and that on Wednesday, August 11, 1982, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Susan C. Pavloff, Vice Crimes Division, as contained in Specification No. 1, violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Susan C. Pavloff has violated Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that Police Officer Susan C. Pavloff, Vice Crimes Division, is hereby suspended for ten (10) calendar days without pay commencing Friday, August 13, 1982 at 0001 hours and terminating on Sunday, August 22, 1982 at 2400 hours.

AYES: Commissioners Daly, Nelder, Murphy,
Sanchez

ABSENT: Commissioner Toler

(The entire proceedings were taken in shorthand form by Linda Pransky, CSR).

CONTINUATION OF THE HEARING OF POLICE OFFICER ROBERT C. HERNANDEZ, VICE CRIMES DIVISION

The matter of the hearing of Police Officer Robert C. Hernandez, Vice Crimes Division, was called it having been continued from the meeting of July 28, 1982.

Police Officer Robert C. Hernandez appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the Police Department.

The following named witnesses were called by the Prosecution duly sworn and testified:

Sergeant Joaquin Santos - Central Station
Officer Charles Coates - Police Range
Officer David Alex - Police Range
Sergeant John Harrington - Central Station

A closing statement was made by Attorney Jerry Akins.

A closing statement was made by Attorney Stephen Bruce Bley.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 688-82

DECISION - HEARING OF POLICE OFFICER ROBERT C. HERNANDEZ,
VICE CRIMES DIVISION

WHEREAS, on April 21, 1982, Cornelius P. Murphy, Chief of Police made and served charges against Police Officer Robert C. Hernandez, as follows:

SPECIFICATION NO. 1

- (a) At all times herein mentioned, Robert C. Hernandez was and is a police officer employed by the San Francisco Police Department;
- (b) As a police officer, Officer Hernandez (hereinafter the accused) was and is responsible for knowing and obeying the Rules, Procedures and Orders of the San Francisco Police Department;
- (c) On November 1, 1981, at or about 0350 hours and while off-duty and in the company of off-duty Officer Susan C. Pavloff, Star No. 2055, the accused exited a taxi outside the St. Francis Hotel in the City and County of San Francisco;
- (d) As the accused and Officer Pavloff approached the entrance to the hotel, the accused made a derogatory remark to a woman who was standing at the foot of the hotel's stairs in a group of people;
- (e) The woman, having observed that the accused appeared to have been drinking, walked toward her husband who was with a group of people near a parked car in front of the hotel;
- (f) Without lawful purpose or justification, the accused and Officer Pavloff approached the car and began demanding, by yelling, that people in the group produce "green cards";

CONTINUATION OF THE HEARING OF POLICE OFFICER FRANCIS MURPHY, POTRERO STATION

The matter of the hearing of Police Officer Francis Murphy, Potrero Station, was called it having been continued from the meeting of August 4, 1982.

Police Officer Francis Murphy appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins appeared on behalf of the San Francisco Police Department.

The following named witness was called by the Prosecution, sworn and testified:

Dr. Michael Slade
Coroner's Office

The following named witnesses were called by the Defense, sworn and testified:

Mr. James Poke
116 Yukon Street
San Francisco, California

Mr. Kenneth Dean Parker
357 Tehama Street
San Francisco, California 94103

Officer Francis Murphy
Potrero Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #5 - Toxicological analysis report of Francis J. Murphy, April 27, 1982 made and completed by Dr. Michael Slade, Forensic Toxicologist on May 6, 1982.

The following exhibits were entered into evidence by the Defense:

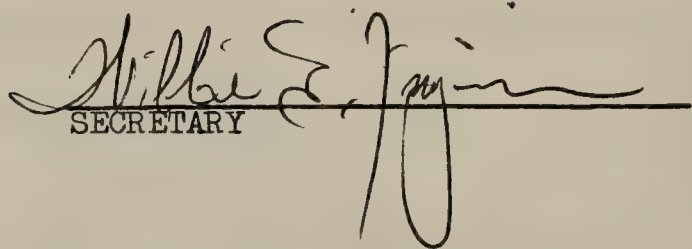
Exhibit C - One photograph depicting #116 Yukon Street.

After listening to testimony from the above parties, the Commission then ajourned at 0006 hours, and the matter was continued to Wednesday, August 18, 1982 at 1800 hours, in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

(The entire proceedings were taken in shorthand form by Hearing Reporter Linds S. Pransky, CSR).

The Commission then adjourned its meeting at 12:06 A.M.


SECRETARY

12
18 AUGUST 1982

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street on Wednesday, August 18, 1982 at 1630 hours in Executive Session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

1) Attorney-Client Conference.

DOCUMENTS DEPT.

No vote was taken.

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18 AUGUST 1982

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 18, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

The Commissioners, having received, amended and returned copies of the minutes of the meetings of July 7, July 14, July 21, and July 28, 1982, reading of the minutes was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendation of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

200 CASELLI - CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

- a) At 200 Caselli, install 22' white zone extending from the east property line 22' west of same.

2098 LOMBARD - CHELSEA MOTOR INN

- a) At 2098 Lombard Street, install 22' white zone extending from the east property line 13' to 35' west of same.

225 LEAVENWORTH STREET - VIET HOA CO.

- a) At 225 Leavenworth Street, install 22' special truck loading zone from 4' to 6' south of the existing north property line (special truck zone 9am to 1pm sign to be installed on meter LEV 213.)

624 STEVENSON STREET - HITTENBERGER & CO.

- a) At 624 Stevenson Street, revoke 22' of existing white zone from the existing west property line 22' east of same and INSTALL 22' blue zone in the above revoked white zone.

755 EDDY STREET - ALOUIS AUTO RADIATOR, INC.

- a) At 755 Eddy Street, install 22' yellow zone extending from the east end of driveway 22' east of same.
- b) Remove meter EDDY 725.

401 WASHINGTON STREET - S.F.P.D. - REVOKED

- a) At 401 Washington Street, revoke existing 64' special truck loading zone, extending from 3' to 67' west of Battery Street.

522-526 O'FARRELL STREET - S.F.P.D. - REVOKED

- a) At 522-526 O'Farrell Street, revoke existing 24' green zone extending from 6' to 30' east of the west building line.

3178 17TH STREET - S.F.P.D. - REVOKED

- a) At 3178 17th Street, revoke existing 24' yellow zone, extending from 24' in between driveways.

1450 GOUGH STREET - S.F.P.D. - REVOKED

- a) At 1450 Gough Street, revoke existing 42' yellow zone, extending from 57' to 99' south of Sutter Street.

#1 HAIGHT STREET - S.F.P.D. - REVOKED

- a) At #1 Haight Street, revoke existing green zone extending from 22' to 88' west of Gough Street, which leaves a 22' green zone.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 220 feet of red, green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, To.er, Murphy, Sanchez

CHIEF'S REPORT

Deputy Chief Shannon advised the Commission that the Chief did not have a report for tonight.

RESOLUTION NO. 646-82

MARK ZAPALIK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Zapalik against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 24, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 647-82

JACK M. FASENFEST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack M. Fasenfest against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 648-82

ANA C. GRANILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ana C. Granillo against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 21, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 649-82

JUDITH REMMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith Remmes against the City and County of San Francisco in the sum of \$59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 650-82

GEORGE LI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Li against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 23, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 651-82

PAIGE L. ANGELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paige L. Angell against the City and County of San Francisco in the sum of \$59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 752-92

WILLIAM AUSTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Austin against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 4, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 653-82

JIM TALBOY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim Talboy against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 654-82

TAMMY BUDELIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tammy Budelier against the City and County of San Francisco in the sum of \$59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 3, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 655-82

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of \$77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 4, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 656-82

JOSEPH NIETO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Nieto against the City and County of San Francisco in the sum of \$68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 6, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 657-82

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of \$144.85 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 658-82

ARTHUR RIST, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur Rist, Jr. against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 659-82

NIE KEUNG LEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nie Keung Leung against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 660-82

OTHAR E. SPICER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Othar E. Spicer against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 4, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 661-82

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of \$59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 662-82

JAMES ROTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Roth against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1982

AYES: Commisioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 663-82

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of \$59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 664-82

RALPH X. JUNIOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ralph X. Junior against the City and County of San Francisco in the sum of \$45.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 30, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 665-82

SUSAN E. FORCHHEIMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan E. Forchheimer against the City and County of San Francisco in the sum of \$43.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 11, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 666-82

DEBORAH S. FORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah S. Ford against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 667-82

POWELL TOWING SERVICES, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Powell Towing Services, Inc. against the City and County of San Francisco in the sum of \$75.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 668-82

POWELL TOWING SERVICES, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Powell Towing Services, Inc. against the City and County of San Francisco in the sum of \$75.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 669-82

SHEILA JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sheila Johnson against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 670-82

GERDA GOBEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerda Gobel against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 671-82

STEVEN R. DAILY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven R. Daily against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 672-82

SHEILA JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sheila Johnson against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 673-82

RALPH KAYWIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ralph Kaywin against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 674-82

MICHAEL W. MALONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael W. Malone against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 675-82

NANCY SCEINFELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy Sceinfeld against the City and County of San Francisco in the sum of \$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 676-82

GERDA GOBEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerda Gobel against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 677-82

KEN MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ken Miller against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 26, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 678-82

ROBERT J. LAVAYSSEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. Lavayssee against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 19, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 679-82

RALPH LEWIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ralph Lewis against the City and County of San Francisco in the sum of \$68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 680-82

CHARLENE De SAUTELS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charlene De Sautels against the City and County of San Francisco in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of incident: June 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 681-82

CALIFORNIA STATE AUTO ASSOC. & WALTER & MARIE LUKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association. and Walter and Marie Luke against the City and County of San Francisco in the sum of \$173.97 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 17, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 682-82

MONA HALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mona Hall against the City and County of San Francisco in the sum of \$50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 26, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 683-82

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing and Storage Co. against the City and County of San Francisco in the sum of \$77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 685-82

RUBE & DAN'S BODY SHOP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rube & Dan's Body Shop, Inc. against the City and County of San Francisco in the sum of \$159.12 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 25, 1982

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 685-82

AUTHORIZING ATTENDANCE OF POLICE OFFICERS EDGAR SPRINGER, POLICE ACADEMY AND OFFICERS MARK POTTER AND DANIEL MCDONAGH, TACTICAL DIVISION, AT THE CHEMICAL AGENT INSTRUCTOR'S COURSE AT THE CENTRAL COAST COUNTIES POLICE ACADEMY AT GAVILAN COLLEGE, GILROY, CA., FROM AUGUST 25, 1982 TO AUGUST 27, 1982.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Edgar Springer, Police Academy, and Officers Mark Potter and Daniel McDonagh, Tactical Division, be detailed to attend the Chemical Agent Instructor's Course at the Central Coast Counties Police Academy at Gavilan College, Gilroy, California, from August 25, 1982 to August 27, 1982, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Officers Springer, Potter and McDonagh in a sum not to exceed \$191.00 each will be defrayed by P.O.S.T.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 638-82

POLICE NARCOTIC FUND - APPROVED

RESOLVED, that the Controller be and he is hereby requested to draw a voucher in favor of Chief of Police Cornelius P. Murphy in the amount of \$6,000.00 charging same to Index Code 580217 as an advance on the Police Narcotic Fund for the month of August, 1982.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 639-82

POLICE CONTINGENT FUND - APPROVED

RESOLVED, that the Controller be and he is hereby requested to draw a voucher in favor of Chief of Police Cornelius P. Murphy in the amount of \$4,000.00 charging same to Index Code 580217 as an advance on the Police Contingent Fund for the month of August, 1982.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 694-82

AUTHORIZING ATTENDANCE OF STOREKEEPER ALBERT DELUCA, PROPERTY CONTROL SECTION, AT THE FORKLIFT TRUCK INSTRUCTORS TRAINING COURSE, CONDUCTED BY THE EASTBAY-MARIN CHAPTER NATIONAL SAFETY COUNCIL IN OAKLAND, CALIFORNIA ON AUGUST 24, 1982

RESOLVED, that the recommendation of the Chief of Police that Storekeeper Albert Deluca be authorized to attend a Forklift Truck Instructor's Training Course in Oakland, California on August 24, 1982, be, and the same is hereby approved

RESOLVED, that expenses incurred by Storekeeper Deluca in a sum not to exceed \$135.00 will be defrayed by the San Francisco Police Department Training Fund.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

RESOLUTION NO. 695-82

AUTHORIZING ATTENDANCE OF OFFICERS ALAN BERNARDI, JOSEPH ZAMAGNI, AND GABRIEL HARP, POLICE ACADEMY, TO ATTEND THE P.O.S.T. DRIVER TRAINING INSTRUCTORS' COURSE AT SONOMA, CALIFORNIA FROM SEPTEMBER 7, 1982 TO SEPTEMBER 9, 1982

RESOLVED, that the recommendation of the Chief of Police that Police Officers Alan Bernardi, Joseph Zamagni, and Gabriel Harp, Police Academy, be detailed to attend the P.O.S.T. Driver Training Instructors' Course, conducted by the Bondurant Driving Academy at Sonoma, California, from September 7, 1982 to September 9, 1982, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Officers Bernardi, Zamagni and Harp in a sum not to exceed \$664.70 each will be defrayed by P.O.S.T.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission did meet in Executive Session at 1630 hours to discuss Attorney-Client matters and no vote was taken.

REQUEST TO PURCHASE PATROL SPECIAL BEAT #46 BY ALFREDO BALLESTEROS

Mr. Lawrence Wilson, attorney for the Police Department's Legal Office said the Commission has before it an order from the Municipal Court to sell a Patrol Special Beat. He said that order directed the judgement debtor, Cameron Lacy, to deliver to the Sheriff or to a bonafide purchaser approved by the Police Commission, his property, Patrol Special Beat #46. He said the Police Department proceeded to advertise for bids for this piece of property. He said after receiving a number of bids the department deemed that two bids to a certain extent qualified. He said each had some disabilities as outlined in the letter the Commission received from the Chief which recommended Mr. Ballesteros be awarded the beat on the basis of his bid. He continued by saying that yesterday afternoon the debtor, Cameron Lacy, who owns Patrol Special Beat #46 filed in Federal Court, bankruptcy. He said this action stays any action of a court or administrative body to enforce a lien against any property he might hold or to garnishee his wages or any such thing in that category.

Commissioner Sanchez said at this time that due to the fact that a great number of citizens were present for Item #4 and that it is now time to entertain that item the Commission would delay hearing further testimony on items #7 and return to it after disposing with Item #4.

PRESENTATION OF CITIZENS' AWARDS

The Honorable Members of the Police Commission along with Police Chief Cornelius P. Murphy are honored to officially recognize the courageous actions of the following citizens who in many cases risked their lives in assisting others. Since these outstanding individuals have by their selfless acts demonstrated a real concern for the needs of others, we, who are present tonight, wish to thank them for their valor. Those who are to receive the awards are as follows:

Mr. William Van Bramer
Mr. Richard Moresco
Mr. Tom Neidecker
Mr. Joseph Patricinio, Jr.
Mr. Joseph Patricinio III
Ms. Pauline Hanley
Dr. Sidney Shaber
Mr. Edward Alvers
Mr. Tony R. Caparelli
Mr. Matthew Krinsky
Mr. James Smith
Mr. Barry Gully
Mr. Mario Caranza
Mr. Gregory Schneider
Mr. Steven Davenport
Mr. Byron Lee

The Commission then resumed hearing the issue on item #7.

Mr. J. William Conroy, attorney for Mr. Cameron Lacy stated that he wanted to clarify the record in that Mr. Lacy did not file for bankruptcy. He said Mr. Lacy filed under Chapter 13 which in effect may have the same legal ramifications on a temporary basis, but as Title 11, U.S.C. the Bankruptcy Rule 13401 and they are known as Chapter 13 cases which is merely a consolidation of assets, a listing of creditors and working out a way to pay each of them. He said any other discussion on this particular matter today, the Sheriff having been served, the Department having been served, the Commission having been served, not being the one who filed this particular application and that he did not know about it until this morning is also precluded from taking any action in this case. However, he said he still remains Mr. Lacy's attorney of record for other than this particular Federal Action.

Commissioner Nelder then moved that the matter be continued to the Commission's first administrative meeting of October. October 13, 1982. It was seconded by Commission Murphy and unanimously approved.

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL ORDER P-9

Deputy Chief Shannon said that he would request that this matter be put over to the next administrative meeting as it is his understanding that the POA has just received a copy of this General Order and hasn't had a chance to review it. Commissioner Daly then moved that it be continued to September 1, 1982, it was seconded by Commissioner Murphy and unanimously approved.

RESOLUTION NO. 725-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER TEDDY M. QUERUBIN, MISSION STATION

WHEREAS, the hearing of Police Officer Teddy M. Querubin, Mission Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, that the matter be continued to September 22, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Teddy M. Querubin, Mission Station, is continued to Wednesday, September 22, 1982, at 1700 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 705-82

RESETTING OF DATE FOR HEARING OF POLICE OFFICER MICHAEL L. HUGHES, MUNI TRANSIT DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Michael L. Hughes, Muni Transit Division, was called it having been set for August 18, 1982; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer Michael L. Hughes, Muni Transit Division, that the date for the hearing before the Police Commission be set for September 16, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Michael L. Hughes is set for September 16, 1982, at 3:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL ORDER R-1

Deputy Chief Shannon said that this was a revision of the accident review general order and that basically it added on the sections that set up a Committee that would review these before the Accident Review Board. He said the San Francisco Police Officers' Association has had no problem with this and that the only item they were concerned with in the meet and confer process was something that the Department is currently doing and that is if an officer is found to be at fault in an accident they were wondering why the copy would be put in the officer's personnel folder and the department felt it should be and explain its reasons. He said there is one minor change because of the changes we made last week in the different units of the Police Department. He said on Page 3 the Department Accident Board of Review will have to be changed as far as the names and make up of the Board are concerned.

He said that is Page 3, at the bottom of the page Roman numeral III, A(2). The Board now consists of the Deputy Chief of Support Services; B, should read the Operations Commander, Field Operations Bureau and C, would be that the captain would be changed from the Commander of the Patrol Division to the Captain of Personnel and Training. He said that is changing the makeup of the Board and it is necessary because of last week's administrative changes recommended by the Chief.

Commissioner Murphy then moved for approval. Commissioner Nelder seconded, and it was unanimously approved.

RESOLUTION NO. 702-82

DEPARTMENT GENERAL ORDER R-1 - VEHICLE ACCIDENTS INVOLVING MEMBERS - APPROVED

RESOLVED, that the Police Commission hereby approves General Order No. R-1, Vehicle Accidents Involving Members.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

REQUESTING APPROVAL OF PROPOSED LEGISLATIVE CHANGES IN REGARD TO THE STATE PENAL CODE

Commissioner Daly said she would like to continue this matter since she has not as yet had the opportunity to read it. She said she would also like to confer with some other people and make certain she understands exactly what the Department is asking the Commission to do. She said she can certainly see some of the value in the proposal but she just wanted to be sure of what the proposal is all about. She then moved for holding it over to the next administrative Commission Meeting which is September 1, 1982. Commissioner Murphy seconded and it was unanimously approved.

CORRECTION OF PERMIT AND LICENSE FEE SCHEDULE - AMENDMENTS TO POLICE CODE CORRECTING CERTAIN OMISSIONS, TYPOGRAPHICAL AND PLACEMENT ERRORS CONTAINED WITHIN LAST YEAR'S PERMIT AND LICENSE FEE REVISIONS

Officer Farrell Suslow of the Permit Bureau appeared on behalf of this item and said that this item is just a housekeeping amendment to these sections in clearing up typographical errors and inserting certain omissions.

Commissioner Murphy then moved for approval, Commissioner Toler seconded and it was unanimously approved.

RECEIPT OF REVISION OF GENERAL ORDER I-2, CHARGING VIOLATION OF PROBATION OR PAROLE. (COPIES SENT TO EMPLOYEE ORGANIZATIONS) - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REQUEST TO ADOPT AS AMENDED DEPARTMENT GENERAL ORDER
P-7 - COUNSELING OF MEMBERS

Deputy Chief Shannon said that this item should not read to amend it but should read to adopt it as amended with a section added regarding when a commanding officer would not have to counsel but he would still have to make a report stating the reasons he wasn't counseling under the rule. He said this order has been on calendar for a long time and it has now been written properly except there is a minor misprint where they placed a comma in the wrong place when they printed it and it is on page 2, item B(3) "Upon a request the Commanding Officers only,": and he said, the comma is after the only but the comma should be before the only. Aside from that he said, the Department had a meet and confer with the San Francisco Police Officers' Association and there was one amendment they requested to be made and that is on page 5, item D, subsection (1) which says, "any recommendation for administrative action must be supported by adequate information upon which to defend such action": the San Francisco Police Officers' Association requested it, and the Department has no problem with adding: "The member shall be informed of the content of any such recommendation.". So basically, he said, you have a counseling session if the Commanding Officer is going to recommend administrative action. He said the Department would be doing it anyway but they, the SFPOA, just wanted in writing that the commanding officer has to tell the officer what that recommendation is going to be. He said that seems proper and the Department recommends that that be included in the order as adopted.

Commissioner Murphy after receiving a response from the Deputy as to how extensive this counseling order was intended to go moved approval, it was seconded by Commissioner Toler and unanimously approved.

RESOLUTION NO. 703-82

DEPARTMENT GENERAL ORDER P-7, COUNSELING OF MEMBERS -
APPROVED

RESOLVED, that the Police Commission hereby approves Department General Order P-7 regarding counseling of members by commanding officers.

AYES: Commissioners Daly, Nelder, Toler, Murphy,
Sanchez

REQUEST FROM THE CHIEF OF POLICE TO ADOPT THE RESOLUTION
TO REQUIRE THE SAME RESIDENCY POLICY FOR PATROL SPECIAL
AND ASSISTANT PATROL SPECIAL OFFICERS AS THAT OF AN
APPLICANT'S REQUIREMENT OF RESIDENCY FOR THE POSITION
OF Q-2 POLICE OFFICER.

Deputy Chief Shannon said that traditionally the Department has used Q-2 residency rule whatever it happened to be, as a guideline, in any given time in the history of the Department as the same rule for Patrol Specials and Assistant Patrol Specials, but it has never been formally adopted. Therefore, he said, the

Department felt it proper that the rule be maintained. He said the rule is that at the time of application that the applicant be a resident of San Francisco and that must be maintained until the applicant is at least hired.

Patrol Special Dolores Lovett requested to be heard on the matter and said she had a question about it in that she had been told at least a month ago that applications that she had submitted for Assistant Patrol Specials who were not currently residents of San Francisco were rejected because they did not live in San Francisco. She said the question she had was whether this policy would commence this date, or is it retroactive, or was she told something wrong, or if she could re-submit the applications.

Deputy Chief Shannon said the policy he stated earlier has always been the Department's policy, however, it has never been formally adopted and that is the purpose of the request for approval of the proposed resolution on tonight's calendar.

After further discussion on the issue the Commission adopted the proposed resolution..

RESOLUTION NO. 691-82

RESIDENCY POLICY - PATROL SPECIAL OFFICERS

RESOLVED, that it is the policy of the San Francisco Police Department that an applicant for the positions of Assistant Patrol Special Officer and Patrol Special Officer shall, at the time of application, comply with the same conditions of residency as an applicant for the position of Q-2 Police Officer.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

WRITTEN REQUEST OF MR. JOSE S. CORTEZ TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT.

WRITTEN REQUEST OF MR. EUGENE BRENNER TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT.

Officer Farrell Suslow appeared on these items and said that this is a standard request in that these persons are asking for the suspension to take a vacation for themselves at this time of the year.

Both items were unanimously approved.

RESOLUTION NO. 692-82

REQUEST OF MR. JOSE S. CORTEZ TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM AUGUST 1, 1982 TO OCTOBER 20, 1982 - APPROVED

WHEREAS, Mr. Jose S. Cortez has requested that permission be granted to suspend operations of his motor vehicle for hire permit from August 1, 1982 to October 29, 1982; and

WHEREAS, Mr. Jose S. Cortez did not appear in person and was not represented by counsel; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Jose S. Cortez for permission to suspend operation of his motor vehicle for hire permit from August 1, 1982 to October 29, 1982, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 693-82

REQUEST OF MR. EUGENE BRENNER TO SUSPEND OPERATION OF HIS
JITNEY BUS PERMIT FROM SEPTEMBER 1, 1982 TO NOVEMBER 29,
1982.

WHEREAS, Mr. Eugene Brenner has requested that permission be granted to suspend operation of his motor vehicle for hire permit from September 1, 1982 to November 29, 1982; and

WHEREAS, Mr. Eugene Brenner did not appear in person and was not represented by counsel; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Eugene Brenner for permission to suspend operation of his motor vehicle for hire permit from September 1, 1982 to November 29, 1982, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER
CLINT LOCY, CENTRAL STATION

Mr. Steve Bley appearing on behalf of Officer Clint Locy and said the facts of this case seem to be somewhat overlaying with the matter of Smith and Mahoney. He said although he is not the attorney of record for Officer Locy who is represented by Mrs. Janice Musante, he would be appearing for him today. He said he would ask that the matter be heard separately from the Smith and Mahoney matters as their activities relate to an Internal Affairs Division investigation.

Mr. Jerry Akins said that the Department would request that they all be heard together as all the evidence that goes in on the Locy matter will be relevant to the same issues relating to the Smith and Mahoney cases.

Commissioner Nelder said that he would recommend that they all should be tried jointly.

Mr. Bley then said that if that is the opinion of the Commission he would ask that this matter be continued one week for setting so that it may be joined with the other matters which are also for setting at that time.

RESOLUTION NO. 701-82

POLICE OFFICER CLINT LOCY, CENTRAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Clint Locy, Central Station, as follows:

SPECIFICATION NO. 1

Failure to treat member of the public with courtesy and respect and eschew harsh, profane, or uncivil language (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Drinking intoxicating liquor while on duty (violation of Rule B-1 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Failure to notify Police Communications by radio of his meal period (violation of Rule 8.109 of the Rules and Procedures of the San Francisco Police Department).

SPECIFICATION NO. 4

Failure to truthfully and without evasion, answer questions propounded (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 5

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Clint Locy, Central Station, is set for August 25, 1982, at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

HEARING OF POLICE OFFICER FRANCIS MURPHY, POTRERO STATION

Mr. Akins said that before commencing this hearing he would like to put something into the record which is a stipulation that he and Mr. Bley had reached earlier and that is regarding the Coroner, Dr. Boyd Stephens who is on vacation. He said he was able to reach him and he would have come in to testify if Mr. Bley and I had not reached a stipulation and that is, "if Dr. Stephens were here tonight to testify, that he would testify that he did take the urine sample from Francis Murphy and physically hand it to Dr. Slade and that Dr. Slade then commenced testing and that he wrote the statement by his own hand." Mr. Bley then said that he would stipulate that not in fact that that happened but that if Dr. Stephens were here he would tell the Commission that that would be his testimony.

CONTINUATION OF THE HEARING OF POLICE OFFICER FRANCIS J. MURPHY, POTRERO STATION

The matter of the hearing of Police Officer Francis J. Murphy, Potrero Station, was called it having been continued from the meeting of August 11, 1982.

Police Officer Francis J. Murphy appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins appeared on behalf of the San Francisco Police Department.

The following named witnesses were called by the Prosecution, sworn and testified:

Police Officer William Coggan - Potrero Station
Police Officer Robert McMillan - Potrero Station
Captain Paul Kotta - Potrero Station (recalled)
Deputy Chief James Shannon - Administration Bureau
Sergeant James Hettrich - Potrero Station (recalled)

The following named witness was called by the Defense, sworn and testified:

Police Officer Francis J. Murphy
Potrero Station (recalled)

The following exhibits were entered into evidence by the Prosecution:

Exhibit #6 - Daily Assignment Report, Co. C,
April 26, 1982.

Attorneys for the Department and for the Defense submitted their cases and thereafter Mr. Stephen Bruce Bley presented a closing statement and Mr. Jerry Akins also submitted his closing statement.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 690-82

DECISION - HEARING OF POLICE OFFICER FRANCIS J. MURPHY, POTRERO STATION

WHEREAS, on January 20, 1982, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Francis J. Murphy, as follows:

*SPECIFICATION NO. 1

- (a) At all times mentioned herein, Francis Murphy was a police officer employed by the San Francisco Police Department;
- (b) As a police officer, Officer Murphy was and is responsible for knowing and obeying the Rules and Procedures of the San Francisco Police Department;

- (c) On May 20, 1981, Officer Murphy was on duty and assigned to Potrero Station as the operator of patrol unit 3C7S on the 1600 to 2400 hours watch;
- (d) At or about 2010 hours on May 20, 1981, Officer Murphy requested and was granted his meal period by Police Communications;
- (e) After Officer Murphy's forty-five (45) minute meal period had expired several unsuccessful attempts to locate Officer Murphy by radio were made and the watch commander of Police Communications notified Potrero Station that Communications was unable to locate Officer Murphy;
- (f) At or about 2345 on May 20, 1981, Officer Murphy was located at 35 Wheat Street in the City and County of San Francisco by officers from Potrero Station;
- (g) Upon being discovered by the officers from Potrero Station, Officer Murphy admitted he had been sleeping;
- (h) The conduct of Officer Murphy in sleeping while on duty constituted a violation of Section 2.101 of the Rules and Procedures of the San Francisco Police Department which states that members:

2.01 "Shall not sleep while on duty."

*SPECIFICATION NO. 2

- (a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- (b) On May 20, 1981 while on duty and assigned to Potrero Station Unit 3C7S, Officer Murphy was away from his patrol car for approximately three (3) hours and thirty-five (35) minutes and was unavailable to respond and carry out his assigned duties.
- (c) The conduct of Officer Murphy, in failing to remain within hearing of a signal calling for his services, constituted a violation of Section 9.147 of the Rules and Procedures of the San Francisco Police Department which states that a member:

9.147 "Shall remain within hearing of a signal calling for his services and promptly answer and respond to all police calls assigned to him."

*SPECIFICATION NO. 3

- (a) Each and every allegation contained in paragraphs (a) through (b) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;

- (b) On June 29, 1981, Officer Murphy signed the written order from the Chief of Police which directed Officer Murphy to submit a sick certificate on the first day of any subsequent illness;
- (c) On June 29, 1981, Officer Murphy signed the written order and acknowledged that he understood the order;
- (d) Officer Murphy failed to report for duty on October 11, 1981 and October 14, 1981 because of illness;
- (e) Officer Murphy failed to submit sick certificates for October 11, 1981 and October 14, 1981 as required by the written order of the Chief of Police;
- (f) In failing to submit the aforementioned sick certificates as lawfully ordered by the Chief of Police, Officer Murphy violated Section 2.45 of the Rules and Procedures of the San Francisco Police Department which states that a member shall:

2.45 "Shall strictly obey and promptly execute the lawful orders of his superior officers. In case of conflict of orders from superior officers, he shall respectfully call attention of the superior officer giving the last order to such conflict; should the latter not change his order it shall be obeyed and the member shall not be held responsible for disobedience of any former order in obeying said last order."

*SPECIFICATION NO. 4

- (a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1, paragraphs (a) through (b) of Specification No. 2 and paragraphs (a) through (3) of Specification No. 3 are hereby incorporated by reference as though each were fully set forth herein;
- (b) During the months of January, February and March of 1981, and while assigned to general patrol duties in the Richmond District, Officer Murphy was observed by fellow patrol officers to engage in frequent bizarre conduct;
- (c) On several occasions during January, February and March, 1981, while on patrol duty and assigned to Richmond Station, Officer Murphy was observed by fellow patrol officers to draw his service revolver in situations which did not call for such action;
- (d) In the course of a homicide investigation concerning a homicide to which Officer Murphy was a witness while off duty, Officer Murphy was notified that a police line-up would be held on May 19, 1981 and that his Participation was required;

- (e) Although Officer Murphy was promptly informed of the time for the line-up, Officer Murphy arrived one-half hour late;
- (f) At the outset of the line-up, Officer Murphy and other civilian witnesses were given a line-up card by the investigating inspectors to be marked to indicate a suspect if recognized in the line-up; Officer Murphy crumpled, burned and placed the card given him in an ashtray outside the line-up room without completing the card;
- (g) The conduct of Officer Murphy in sleeping while on duty, failing to remain within the hearing of a call for his services, failing to obey the lawful order of a superior officer, engaging in bizarre conduct while on duty, removing his service revolver while on duty in situations which did not require such action, arriving late for a police line-up, and crumpling, burning and disposing of his assigned line-up card in the presence of civilian witnesses, is unofficer-like conduct which constitutes a violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department which states that:
 - 2.13 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

AMENDMENT TO SPECIFICATIONS

WHEREAS, on May 12, 1982, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department made and served additional specifications against Police Officer Francis J. Murphy as follows:

SPECIFICATION NO. 5

- (a) At all times herein mentioned, Francis J. Murphy was and is a police officer employed by the San Francisco Police Department;
- (b) As a police officer, Officer Murphy (hereinafter the accused) was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

- (c) On Monday, April 26, 1982, at or about 2215 hours and while he was off duty, the accused became engaged in a verbal altercation with his brother in front of the residence at 175 Yukon Street in the City and County of San Francisco;
- (d) In the course of the altercation, the accused drew a firearm and fired one round in the direction of his brother;
- (e) The accused had no lawful cause, excuse, nor justification to discharge his firearm;
- (f) By so discharging his firearm, the accused violated Section 1290 of the San Francisco Municipal Code, which states:

"Section 1291. Prohibiting Loitering While Carrying Concealed Weapons. (a) As used in this section, but in no wise limited thereto, "dangerous and deadly weapon" shall mean: any knife with a blade three inches or more in length, any spring-blade, switch-blade, or snap-blade or other similar type knife; any knife, any blade of which is automatically released by a spring mechanism or other mechanical device; any ice pick, or similar sharp, stabbing tool; any straight edge razor or any razor blade fitted to a handle; any cutting, stabbing, bludgeoning weapon or device capable of inflicting grievous bodily harm.

(b) It shall be unlawful for any person, while carrying concealed upon his person any dangerous or deadly weapon, to loaf or loiter upon any public street, sidewalk, or alley, or to wander about from place to place, with no lawful business thereby to perform, or to hide, lurk, loiter upon or about the premises of another.

(c) It shall be unlawful for any person who has concealed upon his person or who has it in his immediate physical possession any dangerous or deadly weapon to engage in any fight or to participate in any other rough or disorderly conduct upon any public place or way or upon the premises of another.

(d) It shall be unlawful for any person who has concealed upon his person any dangerous or deadly weapon to loiter about any place where intoxicating liquors are sold or any other place of public resort.

(e) The foregoing restrictions shall not be deemed to prohibit the carrying of ordinary tools of equipment carried in good faith for uses of honest work, trade or business or for the purpose of legitimate recreation."

- (g) By discharging his firearm without lawful excuse or justification, the accused violated Section A-2 of General Order D-1 of the San Francisco Police Department which states:

"2. Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

SPECIFICATION NO. 6

- (a) Each and every allegation contained in paragraph (a) through (f) of Specification No. 5 are hereby incorporated by reference as though each were fully set forth herein;
- (b) Because of the circumstances surrounding the accused's involvement in the above incident in front of 175 Yukon Street, the accused was detained at Mission Police Station and at or about 0020 hours on April 27, 1982 was ordered by his (the accused's) commanding officer to provide a urine specimen;
- (c) The accused told his commanding officer that he (the accused) was unable to provide a urine specimen;
- (d) On the afternoon of April 27, 1982, the accused subsequently provided a urine specimen;
- (e) The urine specimen provided by the accused was analyzed and found to contain cocaine;
- (f) Possession of cocaine in the State of California is classified as a felony;
- (g) By possessing cocaine, the accused violated Section A-2 of General Order D-1 of the San Francisco Police Department which states:

"2. Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property."

SPECIFICATION NO. 7

- (a) Each and every allegation contained in paragraphs (a) through (f) of Specification No. 5 and paragraphs (a) through (f) of Specification No. 6 are hereby incorporated by reference as though each were fully set forth herein;
- (b) Police Officers from Mission Station were summoned to investigate the occurrence in front of 175 Yukon Street;
- (c) Sgt. Timothy J. Hettrich, Star No. 1696 arrived at 175 Yukon Street and supervised the investigation;

- (d) When Sgt. Hettrich came in contact with the accused, Sgt. Hettrich observed that the accused was incoherented by reference as though each were fully set forth herein;
- (e) Because he felt that the accused was a danger to himself (the accused) and others, Sgt. Hettrich contacted the Mission Station Platoon Commander, and was advised to have the accused taken to Mission Station for further investigation;
- (f) By failing to maintain himself in a fit condition to perform his police duties, the accused violated Section A-3 of General Order D-1 of the San Francisco Police Department which states:

"3. Officers shall, while carrying a firearm off-duty or while acting in the capacity of a peace officer, maintain themselves in a fit condition to perform police duties."

SPECIFICATION NO. 8

- (a) Each and every allegation contained in paragraphs (a) through (f) of Specification No. 5, paragraphs (a) through (f) of Specification No. 6, and paragraphs (a) through (e) of Specification No. 7, are hereby incorporated by reference as though each were fully set forth herein;
- (b) By failing to prevent crime and by failure to maintain himself in fit condition to perform his police duties, the accused has engaged in unofficer-like conduct which constitutes a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"9. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

- (* On August 4, 1982, Mr. Jerry Akins requested that the Commission bifurcate the Specifications 5,6,7, and 8 and proceed with Specifications 5, 6, 7, and 8. The Commissioners accepted this request and it was placed in the form of a motion and unanimously approved, with the understanding that Specifications 1, 2, 3 and 4 would be heard thereafter depending upon findings of Specifications 5, 6, 7 and 8.)

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 4, 1982, Wednesday, August 11, 1982 and Wednesday, August 18, 1982, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Francis J. Murphy as contained in Specification No. 5, violation of Section A-2 of General Order D-1 of the San Francisco Police Department are not sustained by the evidence presented in the hearing; and

WHEREAS, the Police Commission finds that said charges made and filed against Police Officer Francis J. Murphy as contained in Specification No. 6 (violation of Section A-2 of General Order D-1), Specification No. 7 (violation of Section A-3 of General Order D-1, Specification No. 8 (violation of Section A-9 of General Order D-1), of the San Francisco Police Department) are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Francis J. Murphy has violated Sections A-2, A-3 and A-9 of General Order D-1 of the San Francisco Police Department and for said violations he shall be dismissed from the San Francisco Police Department; and be it further

RESOLVED, that said dismissal, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

(The entire proceedings were taken in shorthand form by Linda S. Parnsky, CSR)

The Commission then adjourned its meeting at 9:20 p.m.



SECRETARY

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SAN FRANCISCO
PUBLIC LIBRARY25 AUGUST 1982REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 25, 1982 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

CHIEF'S REPORT

Chief Murphy: "The only thing that I have to report on tonight is the Internal Affairs Bureau Investigation of the Superbowl Victory Celebration complaints of which you were given copies of two weeks ago. The total number of complaints filed were 79. Improper conduct 17, insufficient evidence disposition 41, unfounded 13 and proper conduct 8. There were 49 excessive force complaints, 9 conduct unbecoming an officer, 10 unwarranted actions and 11 neglect of duty for a total of 79 complaints. The biggest problem we had in sustaining the complaints was the identification of the officers and as you know there has been corrective action taken in that and that the numbers of all of the officers has been placed on the front and rear of their helmets and there is also consideration being given to when new uniforms are being issued the star numbers will also be placed in some form of an indelible ink or a sewn on patch showing the numbers on the shirts and jackets. There again the biggest problem was the identification. Whatever the problems were they have been identified and have been corrected. We are still attempting to get the barricades which would have greatly assisted us at that time in controlling the crowd. That issue, I guess if you read the papers, you found that the Supervisors are concerned about buying American and that issue has not been resolved yet, but I understand it is being presented to the Mayor for her signature and as I understand she is going to veto that resolution. Investigators further identified Squad Formation problems in that there was a breakdown in identifying squads. All those procedural changes have been made and basically the problems that were identified that contributed to the problems on the 49er situation have been addressed and corrective action has been taken."

Commissioner Murphy then asked the Chief to elaborate on the Department's acquiring the services of a crowd control expert to provide training for the Department's members.

The Chief stated that the Department hired the foremost expert on crowd management in the country. Professor Irving Goldaber who came into the Department and made his presentation and will be coming back during the month of September for another presentation. He said all of the Command Staff has now had crowd control training through the rank of Captain and also another training session was conducted specifically for the Sergeants who will be crowd management specialist at the training station. He said when Mr. Goldaber returns it will be for the final session which will be given to all members.

Commissioner Nelder said he found the report somewhat wanting and thought that a great deal of responsibility should have been given to Intelligence and certainly

in Planning and Research and that he did not see any reference to those two agencies participating in a similar type of demonstration or celebration.

Chief Murphy said as he recalls the Commissioner's request as made for this report was only for a statistical analysis of the complaints themselves and that is why it was not addressed here.

He said that other issue regarding Intelligence was brought up during the presentation of the last report and there have been changes made in that regard.

Commissioner Murphy said what she would like to request is that the Commission receive a clear report on what the Crowd Control Training has been, who has been through it, and what it entails, and that the Department move as quickly as possible to obtain barricades. Commissioner Toler requested information as to whether all officers would receive instruction on crowd control.

Chief Murphy, answering in the affirmative said that also part of the training dealt with different types of crowds, i.e., sporting events, parades, celebrations or ecetera. He said it deals with the moods of the crowds. He said there are three different moods and it teaches the officers to identify specific signs as the mood of the crowd changes and procedures to undertake to prevent the crowd from getting up to the final stage which is a near riot situation. He said he would have a presentation made on crowd control training before the Commission as soon as the Commission would like.

Commissioner Sanchez said the only comments he would like to make is the fact that the initial report was quite comprehensive pertaining to what the Department viewed as some inadequacies that were going to be remedied. He said the Chief has articulated that certain things have been accomplished such as the identification on the helmets, the names, the stations, the barriers and training. He said in the long run, however, it takes a number of clinical trials to determine the seaworthiness of a department. He said there have been comments like, "there has to be better communication between Intelligence and Planning", and a department such as this must always have a high degree of preparation for any occurrence and at the same time maintain a high degree of sensitivity which this department has always demonstrated in a great majority of the situations. He said the Commission is very concerned with the report and also as to the question of accountability. He said the training has in fact provided training for some of the members above the rank of Captain and now will concentrate downward through the ranks of Captain, Lieutenant, Sergeants and Patrolmen. He said he hoped that this would be an ongoing exercise so that all those in command would be able to have an opportunity to utilize this training if a given situation should occur. He said because of the significance of this report, and because the Chief had undertaken such a comprehensive review earlier pertaining to the 49'er incidents, the Commission felt that the Chief should respond as he has done this evening to the report and make comments and have the Commission respond appropriately.

SETTING OF DATE FOR HEARING OF SERGEANT STEVEN T. SMITH,
OPERATION "S", INSPECTOR MICHAEL N. MALONEY, OPERATION
"S", POLICE OFFICER CLINT LOCY, CENTRAL STATION.

Mr. Stephen B. Bley appeared on behalf of Sergeant Smith and Inspector Maloney, and Janice Musante appeared on behalf of Officer Clint Locy. All parties agreed to setting the date to November 17, 1982, for hearing.

RESOLUTION NO. 699-82

SETTING OF DATE FOR HEARING OF SERGEANT STEVEN T. SMITH,
OPERATION "S"

WHEREAS, the date to be set for the disciplinary hearing of Sergeant Steven T. Smith, Operation "S", was called it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Sergeant Steven T. Smith, that the date for the hearing before the Police Commission be set for November 17, 1982; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Sergeant Steven T. Smith is set for Wednesday, November 17, 1982 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy,
Sanchez

RESOLUTION NO. 700-82

SETTING OF DATE FOR HEARING OF INSPECTOR MICHAEL N.
MALONEY, OPERATION "S"

WHEREAS, the date to be set for the disciplinary hearing of Inspector Michael N. Maloney, Operation S, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Inspector Maloney, that the date for the hearing before the Police Commission be set for November 17, 1982; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Inspector Michael N. Maloney, Operation S, is set for Wednesday, November 17, 1982, at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy,
Sanchez

RESOLUTION NO. 696-82

SETTING OF DATE FOR HEARING OF POLICE OFFICER CLINT LOCY,
CENTRAL STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Clint Locy, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer Clint Locy, and Mr. Jerry Akins, attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for November 17, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Clint Locy is set for Wednesday, November 17, 1982 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Mr. Jerry Akins stated that in regard to Items 5 and 6, Mr. Phil Ward, Deputy City Attorney, at the last Commission meeting had indicated that he would need the presence of Officer Marquez as a witness in an arbitration hearing and thought he could possibly be finished with him by 6:00 p.m. this date and that was the basis for setting the hearings to commence at 6:00 P.M. today. He said at this time which is now later than that hour, he has not been able to contact any of the parties, i.e., the Arbitrator Mr. Al Arnaud, and Lt. Frazier has tried unsuccessfully to contact Mr. Ward at the City Attorney's Office and there has been no representation that the officer or someone will be here in five minutes or within another hour.

Mr. Bley then said that he would have no objections on behalf of the two officers to re-setting the hearing.

After further discussion and in concurrence with the witnesses who were present, acknowledging their later availability, the Commission set the matter for hearing on Wednesday, September 15, 1982, at 5:00 p.m. in Room 551, the Police Commission Hearing Room.

RESOLUTION NO. 697-82

HEARING OF OFFICER THOMAS ARGO, MISSION STATION -
CONTINUED

WHEREAS, the hearing of Police Officer Thomas Argo, Mission Station, was called it having been set for this date; and

WHEREAS, it has been requested by Ms. Janice Musante, attorney for Police Officer Thomas Argo, that the matter be continued to September 15, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Thomas Argo, Mission Station, is continued to Wednesday, September 15, 1982, at 1700 hours, in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 698-82

HEARING OF POLICE OFFICER STEVE MARQUEZ, TARAVAL STATION -
CONTINUED

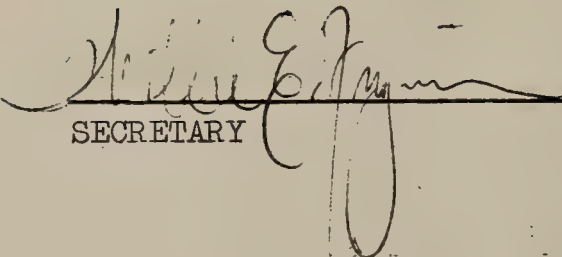
WHEREAS, the hearing of Police Officer Steven Marquez, Taraval Station, was called it having been set for this date; and

WHEREAS, it has been requested by Ms. Janice Musante, attorney for Police Officer Steve Marquez, that the matter be continued to September 15, 1982; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Steve Marquez, Taraval Station, is continued to Wednesday, September 15, 1982, at 1700 hours, Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler,
Murphy, Sanchez

The Commission then adjourned its meeting at
6:30 p.m.



SECRETARY

